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Letter dated 21 November 2007 from the Secretary-General to the President of the Security Council

I have the honour to refer to the joint communiqué signed on 9 November 2007 by the Governments of the Democratic Republic of the Congo and the Republic of Rwanda (see annex). The joint communiqué was agreed to during a meeting in Nairobi, facilitated by the United Nations, on the sidelines of the meeting of the Inter-Ministerial Committee of the International Conference on the Great Lakes Region. It provides a common approach to ending the threat posed by illegal armed groups to peace and stability in both countries and the Great Lakes region.

I should be grateful if you would bring the present letter and the attached joint communiqué to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

07-60965 (E) 261107

Annex

[Original: English and French]

Joint communiqué of the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda on a common approach to ending the threat posed to peace and stability in both countries and the Great Lakes region

We, the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda, having met in Nairobi on 9 November 2007, have agreed on a common approach to address the threat posed to our common security and stability by the ex-FAR/Interahamwe.[1] The meeting was facilitated by the United Nations, in the presence of the United States and the European Union.

We, consistent with the commitments made in the Lusaka Ceasefire Agreement of 1999, which set out modalities for the disarmament and repatriation of all foreign armed groups, including the ex-FAR/Interahamwe, in the territory of the DRC; the bilateral agreement signed in Pretoria on 30 July 2002 between the Governments of the DRC and Rwanda; the Principles on Good Neighbourly Relations and Cooperation between the DRC and Burundi, Rwanda and Uganda of 25 September 2003; the Pact on Security, Stability and Development in the Great Lakes Region of 15 December 2006; and the various commitments made within the framework of the Tripartite Plus Commission, including the commitments made by the Tripartite-plus Members in Lubumbashi on 8 June 2007 and Kampala on 17 September 2007; to eliminate the threat posed by illegal armed groups through peaceful and military means, taking into account the action plan presented by the Government of the DRC to address the problem of the ex-FAR/Interahamwe on 3 October 2007 and the response and counter-proposal made on this plan by the Government of Rwanda:

Have reiterated the following:

1. Peace and security in the DRC and the Great Lakes region can only be achieved once the threat posed by all foreign and national armed groups in the DRC and their politico-military organizations is addressed;

2. The ex-FAR/Interahamwe constitutes a major threat to peace and security of Rwanda, the DRC, and the countries in the Great Lakes region in general, as well as to the Congolese population;

3. The presence of irregular Congolese armed groups in eastern DRC equally poses a threat to peace and security in the DRC and the entire Great Lakes region;

4. We both reaffirm our commitment to respect and uphold each other's sovereignty, and reiterate our commitment to fully cooperate and implement a common approach to dismantle the ex-FAR/Interahamwe as a genocidal military organization operating in the territory of the DRC;

[1] The term ex-FAR/Interahamwe used in this text shall be understood as referring to all Rwandan armed groups on Congolese soil, irrespective of their denomination (ex-FAR, Interahamwe, ALIR, FDLR, RUD-Unana, Rasta etc).

5. We fully commit to prevent the direct or indirect support — political, material or human — to any national and foreign armed group operating in the DRC;

6. We shall share information, and address issues of common concern through existing mechanisms, in particular the Joint Verification Mechanism and the Tripartite Plus Commission;

7. We shall immediately assign the members to the Joint Verification Teams in Goma and Gisenyi as well as in Bukavu and Cyangugu;

8. We commit to refrain from any negative propaganda against each other.

9. **The Government of the Democratic Republic of the Congo commits to**:

(a) Prepare, by 1 December 2007, a detailed plan to disarm and address the threat posed by the ex-FAR/Interahamwe. MONUC will be requested to provide support to the planning and subsequent implementation consistent with its mandate and capacities. The plan will be shared with the Rwandan Government by 1 December 2007;

(b) Launch military operations, as a matter of urgency, to dismantle the ex-FAR/Interahamwe as a genocidal military organization in the DRC. Such operations should be simultaneously conducted with operations to dismantle illegal armed groups in North and South Kivu;

(c) Identify and commit the necessary resources to implement the military components of the plan;

(d) The plan shall include the following elements:

(i) Reactivation and streamlining, in parallel with military pressure, existing efforts to sensitize ex-FAR/Interahamwe elements to disarm and repatriate to Rwanda;

(ii) Temporary relocation of disarmed ex-FAR/Interahamwe elements to reception centres/cantonment sites in the DRC; registration by MONUC under the existing DDRRR procedures and repatriation of those who choose to return to Rwanda;

(iii) With the help of relevant international organizations, moving of the disarmed ex-FAR/Interahamwe who do not wish to return to Rwanda and who are not wanted for genocide by Rwandan justice or the International Criminal Tribunal for Rwanda (ICTR), away from the border until their condition is normalized;

(iv) Arrest and handing over to the ICTR and Rwanda of those indicted for crimes of genocide, crimes against humanity or war crimes;

(e) Refrain from statements in support of any armed group in the DRC;

(f) Publicize the contents of this joint communiqué.

10. **The Government of the Republic of Rwanda commits to**:

(a) Take all necessary measures to seal its border to prevent the entry into or exit from its territory of members of any armed group, renegade militia leaders, Nkunda's group in particular, and prevent any form of support — military, material or human — being provided to any armed group in the DRC;

(b) Share with the Government of the DRC and MONUC a list of wanted *génocidaires* (all categories);

(c) Refrain from statements in support of any armed group in the DRC;

(d) Encourage, through appropriate programmes, ex-FAR/ Interahamwe members and their dependents to return home and facilitate their effective socio-economic reintegration;

(e) Publicize the contents of this joint communiqué.

11. **The Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda agree to**:

(a) Establish strict border controls and prevent illicit cross-border movement of combatants or recruits, arms, military material, food or medical support for any armed groups;

(b) Refrain from aiding and abetting (arming, facilitating movement, allowing recruitment, financing, providing sanctuary, etc.) any armed group;

(c) Call upon all Congolese associated with the ex-FAR/ Interahamwe to leave the group immediately and definitely; disarmed combatants that are found to be Congolese or are eligible to become Congolese in accordance with relevant national legislation, shall not be subject to repatriation; these will be registered, and a list identifying them will be shared with the Government of Rwanda;

(d) Cooperate in bringing to justice those accused of having committed war crimes, crimes against humanity and genocide;

(e) Commit to take all necessary measures to encourage and enable refugees to return home;

(f) Commit to actively support and facilitate the provision of humanitarian assistance to civilians in need, irrespective of political and ethnic affiliation;

(g) Undertake to minimize the negative impact of the agreed operations against the ex-FAR/Interahamwe on civilian populations and take measures to ensure the protection of civilians, as well as compliance of their forces with international humanitarian and human rights law;

(h) Commit to continuously share intelligence on the implementation of these actions through the existing bilateral mechanism.

12. **The Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda call upon the international partners witnessing this communiqué, and other partners the two signatories to this communiqué may agree on:**

(a) To mobilize support to help implement the commitments expressed in this communiqué;

(b) To actively support the protection of civilians and the provision of humanitarian assistance to IDPs, refugees and those in need.

13. MONUC will protect civilians, in accordance with its mandate, against the negative impact of operations against the ex-FAR/Interahamwe and monitor compliance with recognized standards of international humanitarian and human rights law.

14. The signatories of this communiqué urge the Security Council to pass a resolution establishing sanctions against the ex-FAR/Interahamwe and call upon all Member States to prevent all fund-raising, mobilization or propaganda activities of the ex-FAR/Interahamwe.

15. The United Nations, the African Union, the European Union, the United States, South Africa and other partners the two signatories to this communiqué may agree on, together with representatives of the two parties, shall be invited to facilitate and monitor the implementation of this agreement.

Nairobi, 9 November 2007

For the Government of the Democratic Republic of the Congo
(*Signed*) Antipas **Mbusa Nyamwisi**
State Minister for Foreign Affairs

For the Government of the Republic of Rwanda
(*Signed*) Charles **Murigande**
Minister for Foreign Affairs

For the United Nations
(*Signed*) Haile **Menkerios**
Assistant Secretary-General for Political Affairs

For the European Union
(*Signed*) Roeland **van de Geer**
Special Representative for the Great Lakes Region

For the United States of America
(*Signed*) Timothy **Shortley**
Senior Adviser to the Assistant Secretary, Jendayi Frazer,
for Conflict Resolution
Department of State

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Letter dated 21 November 2007 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your report of 27 September 2007 pursuant to paragraph 5 of resolution 1762 (2007) (S/2007/568) has been brought to the attention of the Security Council.

The members of the Security Council take note of the contents of the report and in particular of the steps that you have "taken to provide for the appropriate disposition of United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) archives and other property under arrangements ensuring, in particular, that sensitive proliferation information or information provided in confidence by Member States is kept under strict control", in accordance with paragraph 5 of resolution 1762 (2007). Council members approve of the overall archiving procedure as set out in the report.

With regard to the issues raised in paragraph 35 of your report, the members of the Security Council suggest that access to the "confidential" information in the UNMOVIC archives be restricted for a period of 30 years and that access to the "strictly confidential" information be restricted for a period of 60 years.

Following the expiration of this period, confidential and strictly confidential information would be reviewed by the Secretary-General every five years. If the information was provided in confidence by a Member State, the Secretary-General would consult with that Member State. Following this review, the Secretary-General would have the discretion to recommend to the Security Council under a non-objection procedure the declassification of information.

Security Council members also support granting earlier access to the archives to Member States and relevant international organizations, such as the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons and the United Nations Environment Programme, on a case-by-case basis, following careful consideration of the reasons for allowing such access. The Council suggests the nomination by the Secretary-General, with the approval of the Council, of a three-person ad hoc committee to recommend in each case whether such access should be granted. The recommendations of this committee would be sent to the Council under a non-objection procedure.

The members of the Security Council also recommend that the Secretariat expeditiously and economically transfer to the Government of Iraq all UNMOVIC property that is not proliferation-sensitive or subject to export control restrictions.

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Property that is sensitive or subject to restrictions should be appropriately disposed of at the earliest possible date in consultations with the State or entity from which the property was purchased or donated.

The members of the Security Council note the requirement of resolution 1762 (2007) that the Secretary-General transfer all unencumbered funds not used for payment of outstanding bills or for the costs associated with archiving and property disposition to the Development Fund for Iraq, and in that regard further note the transfer of 25.1 million United States dollars already made by the United Nations. If, following completion of the tasks outlined in resolution 1762 (2007), a portion of the encumbered 12 million United States dollars is unspent, Council members urge that it be transferred to the Development Fund for Iraq without delay. Members of the Council request an update each quarter on relevant spending by the United Nations.

The members of the Security Council welcome the continuing efforts of the Secretary-General and Secretariat staff of the United Nations to dispose appropriately of UNMOVIC archives and other property as soon as possible. The members request monthly updates in closing down UNMOVIC in a manner consistent with resolution 1762 (2007). The members also request a briefing on what steps the Secretariat is planning to provide for the enhanced physical security of the archives, in particular those containing sensitive proliferation information.

(*Signed*) R.M. Marty M. **Natalegawa**
President of the Security Council

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Security Council

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Letter dated 20 November 2007 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the text of a letter dated 20 November 2007 from the President of the State of Eritrea, Isaias Afwerki, to the Secretary-General, concerning the peace process in the border conflict between Eritrea and Ethiopia (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

07-60978 (E) 231107

Annex to the letter dated 20 November 2007 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

As you are well aware, Eritrea has continued to respect the rule of law and to uphold the integrity of the Algiers Peace Agreement for the past five and a half years. It had accepted the 13 April 2002 binding Award of the Eritrea-Ethiopia Boundary Commission without equivocation and patiently waited for the implementation of the Award through physical demarcation so as to bring the matter to closure.

Encouraged by its supporters, however, the Government of Ethiopia has endeavoured to force renegotiation of the final and binding Award even while all along pretending to abide by the Algiers Agreement. The result has been an endless series of pretexts designed to frustrate the demarcation process, to paralyse the Boundary Commission and to force the adoption of an "alternative" mechanism. In the cynical view of the Government of Ethiopia, an interminable paralysis of the process would inevitably entail "the death of the lender, the death of the borrower, or the death of the broker culminating in the death of the process itself".

In the meantime, Ethiopia continues to occupy Eritrean territories by force in violation of international law and the Algiers Agreement.

Frustrated by Ethiopia's non-compliance with its treaty obligations and the failure of the Security Council to shoulder its legal and moral responsibilities of enforcement, the Boundary Commission has announced that it will close shop towards the end of this month and terminate its functions through what it has termed "virtual demarcation". My Government has been and shall be further communicating its views and legal positions on the matter to the Commission. But it must be underlined that responsibility for the Commission's inability to proceed further towards physical demarcation lies squarely on the shoulders of the Government of Ethiopia and its external supporters.

It must be further noted that had the Algiers Agreement been respected, the final and binding Award fully accepted, and the demarcation of the boundary expeditiously completed, the peoples of Eritrea and Ethiopia would long ago have returned to their natural state of good neighbourliness and cooperation. Instead, the violation of the Agreement has not only embroiled the peoples of Eritrea and Ethiopia in conflict but also plunged the whole region into a spiral of dangerously escalating crisis. Again, it must be recognized that responsibility for the unremitting hostility and tension rests squarely on the shoulders of the Government of Ethiopia and those that have encouraged its unlawful conduct.

As you will agree, Ethiopia's occupation of sovereign Eritrean territories constitutes a grave violation of Articles 2.3 and 2.4 of the Charter of the United Nations and poses a dangerous threat to regional peace and security. In the circumstances, I urge you to take necessary measures to redress the situation before it is too late. Our sovereign territories cannot remain under occupation through the violation of the rule of law.

(*Signed*) Isaias **Afwerki**

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Second report of the Secretary-General on the United Nations Integrated Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1719 (2006) by which the Council requested me to keep it regularly informed on the activities of the United Nations Integrated Office in Burundi (BINUB). The report provides an update on major developments in Burundi since my previous report (S/2007/287) of 17 May 2007. It highlights progress achieved and the remaining peace consolidation challenges.

II. Major developments

Political developments

2. The political situation deteriorated considerably during the reporting period. Increased internal divisions within the ruling Conseil National pour la défense de la démocratie-forces pour la défense de la démocratie (CNDD-FDD) triggered a political crisis that paralysed the work of the Parliament and other national institutions. The situation was further aggravated by serious setbacks in the implementation of the comprehensive ceasefire agreement, signed by the Government of Burundi and the Palipehutu-Forces nationales de liberation (FNL) on 7 September 2006.

3. The continued detention since 27 April of former CNDD-FDD Chairman, Hussein Radjabu, deepened divisions within the ruling party. Some 22 from a total of 46 CNDD-FDD members of Parliament aligned themselves with Mr. Radjabu, resulting in the ruling party's loss of majority in Parliament. Opposition parties that had contested the constitutionality of the Government's composition capitalized on the split by pressuring the Government to meet their power-sharing and good governance demands. In this regard, opposition parties and pro-Radjabu members of Parliament began boycotting the work of the Parliament.

4. As a result, only 3 of the 34 bills tabled during the first parliamentary session of 2007 were adopted. The National Assembly's second plenary session, which had been scheduled to begin on 21 June, was delayed due to the boycott. Following pressure from civil society and engagement by international partners, the opposition

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parties agreed to participate selectively in parliamentary sessions. This resulted in the adoption of eight bills, including those related to the disbursement of budgetary support.

5. On 27 June, in reaction to repeated calls for dialogue from opposition parties, President Pierre Nkurunziza invited the political parties to submit within 24 hours nominations for a reshuffled cabinet. The Union pour le progrès national (UPRONA) and the Front pour la démocratie au Burundi (FRODEBU) did not submit names and, on 13 July, President Nkurunziza nominated a cabinet that included FRODEBU and UPRONA members who had neither been nominated nor endorsed by their parties. On 18 July, UPRONA suspended First Vice-President Martin Nduwimana from the party for supporting President Nkurunziza's cabinet reshuffle. The President's unilateral decision further compounded the stalemate and aggravated tensions.

6. On 10 August, a national newspaper, reportedly with the backing of some Government officials, published pictures and personal details of 40 opposition parliamentarians, accusing them of spearheading the political paralysis. On 16 August, 67 parliamentarians addressed a letter to President Nkurunziza requesting genuine dialogue with the political opposition and implementation of the comprehensive ceasefire agreement. Several prominent CNDD-FDD members of Parliament were among the signatories, which further exacerbated the divisions within the ruling party. Tensions heightened further on 19 August, when grenade attacks targeted the residences of five opposition members, four of whom had signed the 16 August letter.

7. The attacks did not harm the individuals concerned and were condemned by the Government, the National Assembly and opposition parties, as well as the African Union and BINUB. When the FRODEBU spokesperson accused the Government of orchestrating the attacks, national security services attempted to arrest him for allegedly defaming the Government. The spokesperson went into hiding, reappearing following the resumption of dialogue between President Nkurunziza and FRODEBU. The inquiry into the grenade attacks has to date not led to arrests or prosecutions.

8. Dialogue resumed between President Nkurunziza and the FRODEBU and UPRONA opposition parties on 21 August. Extensive consultations with FRODEBU ensued while talks with UPRONA halted due to internal divisions within the party over the role of First Vice-President Nduwimana.

9. The UPRONA split deepened when the party's Executive Bureau voted on 23 August to exclude Mr. Nduwimana from the party. The First Vice-President deemed the decision illegal. His supporters and police forces cordoned off the party's headquarters, denying access to UPRONA President, Aloys Rubuka. On 15 September, the Central Committee of UPRONA convened in a public venue and overwhelmingly confirmed the exclusion of the First Vice-President. On 29 September, Mr. Rubuka successfully appealed to the Presidency and regained access to the party's headquarters. In early October, President Nkurunziza initiated dialogue with UPRONA.

10. On 14 September, CNDD-FDD members of Parliament loyal to Hussein Radjabu addressed a letter to the Chairman of the Regional Peace Initiative, President Yoweri Kaguta Museveni of Uganda, denouncing the Government's

engagement in dialogue with the opposition. Nevertheless, this dialogue produced its first results on the eve of the third parliamentary session. On 27 September, President Nkurunziza announced that consultations with opposition parties had led to agreements on long-standing issues, including respect for the activities of the opposition parties, the reinstatement of wrongfully dismissed FRODEBU communal administrators and the investigation of prominent corruption cases.

11. The President's announcement was followed by some important measures, including the Minister of Interior's meeting with political parties on 27 September to discuss a new law on their activities; the reinstatement of two FRODEBU communal administrators; and the National Assembly's reinstatement of CNDD-FDD member of Parliament Mathias Basabose and CNDD President Léonard Nyangoma. The National Assembly also established a commission to investigate the controversial sale of the Presidential jet. The President's speech and ensuing measures were welcomed by national and international stakeholders.

12. Following several weeks of negotiations with the President, UPRONA announced on 4 November that agreement had been reached, including on the replacement of First Vice-President Nduwimana. On 8 November, UPRONA member of Parliament Yves Sahinguvu replaced the First Vice-President, who had announced his resignation.

13. A Government of national unity was appointed on 14 November comprising 19 ministers and 7 vice-ministers. Six ministerial posts were allocated to FRODEBU and three to UPRONA. New appointments included the Minister of Interior and Public Security, the Minister of Commerce and Industry and the Minister of Public Health. The new cabinet, which was sworn in on 16 November, is in full compliance with constitutional provisions regarding party, ethnic and gender representation, and has been welcomed by national actors.

14. BINUB remained in close contact with national actors and provided good offices to try to resolve the political crisis throughout the reporting period. Meetings with political parties and civil society were also organized to encourage broad-based national action for dialogue.

15. Despite some challenges, relations between the Government and the national media continued to improve. President Nkurunziza met on several occasions with the press, during which he emphasized the importance of the media and his commitment to press freedom. He further recalled that the media had yet to fulfil the commitment made earlier in the year to appoint a focal point to facilitate permanent dialogue with the Government. At the same time, on 25 September, President Nkurunziza promulgated a National Communications Council, whose independence was questioned by the Burundian Journalists Association. Reports of isolated cases of harassment of journalists by the police also continued during the reporting period.

16. BINUB, in collaboration with the Government, organized a workshop on the legal and regulatory framework of the media. In coordination with the Department of Public Information, BINUB organized three communications skills and strategies seminars for Government ministers. These seminars, in which President Nkurunziza participated, were well received and contributed towards BINUB efforts to support the professionalization of the media, improve its relations with the Government and enhance the Government's strategic communications skills.

Implementation of the comprehensive ceasefire agreement

17. The peace process suffered serious setbacks during the reporting period and none of the benchmarks outlined in the addendum to the report of the Secretary-General (S/2006/429/Add.1) in this area have been met. Attempts to address the political and other impediments to the implementation of the comprehensive ceasefire agreement have not succeeded. This period also witnessed the resumption of sporadic armed clashes, including between the National Defence Forces and FNL elements for the first time since the ceasefire came into effect in 2006.

18. Following mediation by the Regional Peace Initiative, President Nkurunziza and FNL leader Agathon Rwasa met in Dar es Salaam on 17 June. The closed-door meeting led to the reactivation on 29 June of the Joint Verification and Monitoring Mechanism, the body charged with overseeing the implementation of the agreement. However, the absence of a public statement after the meeting led to protracted debates within the Monitoring Mechanism, during which the FNL delegation continued to reiterate its political demands. These included the need for an agreement on the modalities for FNL inclusion in the national institutions and conclusion of a forces technical agreement to determine the positions former FNL combatants would occupy in the national security forces; the demilitarization of FDN in parts of the country; and the release of FNL prisoners. In response, the Chairman of the Monitoring Mechanism clarified that political issues were beyond the mandate of the Monitoring Mechanism.

19. On 21 July, the head of the FNL delegation to the Joint Verification and Monitoring Mechanism unexpectedly left Bujumbura. By 25 July, the remaining 11 members of the FNL delegation followed suit. Subsequent FNL statements claimed that the withdrawal from the Monitoring Mechanism was in protest against restrictions imposed on their delegation by the African Union Special Task Force charged with protecting it. FNL also accused the South African Facilitation of the peace process of partiality towards the Government and has refused to interact with it since July.

20. Internal divisions within FNL reportedly emerged in August when groups of alleged FNL dissidents started gathering near FDN positions in the north-western provinces. The alleged dissidents reportedly broke away due to the refusal of the FNL leadership to rejoin the peace process. According to the Government, as at 16 November, some 2,500 alleged FNL dissidents had come forward requesting demobilization or integration into the security forces.

21. The Government first regrouped the alleged FNL dissidents in Buterere. They were subsequently moved to Rugazi in Bubanza province, following an attack on 4 September by FNL (Rwasa) that resulted in the death of over 20 alleged dissidents. In September, more alleged dissidents gathered in Kabezi in Bujumbura Rural and the former demobilization site in Randa in Bubanza province. FNL (Rwasa) has accused the Government of deliberately inciting splits within its ranks and has subsequently carried out two further attacks against the alleged dissidents.

22. In the meantime, the South African Facilitation and the regional technical team met in Pretoria on 26 September to discuss ways to reactivate the peace process. Following this meeting, the Government of the United Republic of Tanzania set an ultimatum for the FNL leadership based in the United Republic of Tanzania to rejoin the process. The South African Facilitator also undertook a series of consultations,

including with the leaders of the Regional Peace Initiative and President Nkurunziza. He subsequently announced the establishment of a Bujumbura-based political directorate, chaired by the South African Special Envoy for the Great Lakes Region, and composed of the African Union Special Representative, my Executive Representative for Burundi and the Ambassadors of South Africa and the United Republic of Tanzania to Burundi. It was envisaged that the political directorate would address the political obstacles arising from the implementation of the comprehensive ceasefire agreement. However, as at 16 November, it had only dealt with the pressing food, health, shelter and security needs of the growing numbers of the alleged dissidents.

23. On 20 October, the South African Facilitation reconvened the Joint Verification and Monitoring Mechanism to address the question of the alleged FNL dissidents. Although it was invited, FNL did not participate in the meeting. Following a visit by the Facilitation and other Monitoring Mechanism members to the Randa site, an ad hoc committee was established, composed of representatives of the Government and the Facilitation. The committee was assigned the task of planning the transfer of alleged FNL dissidents to Randa, while the African Union Special Task Force started to prepare the site for that purpose. The joint liaison team of the Monitoring Mechanism on assembly areas was to prepare for the identification of the alleged FNL dissidents on the understanding that the process would not amount to awarding combatant status to those individuals.

24. From 23 to 26 October, a Multi-country Demobilization and Reintegration Programme mission to Burundi reviewed the national demobilization, reinsertion and reintegration programme. The mission met with Government representatives, BINUB and other partners to clarify that the alleged dissidents must be identified as FNL combatants to be eligible for the national reintegration programme, in accordance with the agreement concluded on 2 April 2004 between the Government and the Multi-country Demobilization and Reintegration Programme.

25. On 3 November, FDN transported 452 alleged FNL dissidents from Kabezi to Randa. The African Union Special Task Force escorted the convoy and the National Defence Forces secured the route. As at 16 November, some 1,300 alleged FNL dissidents had been gathered at Randa. On 8 November, the Government transferred approximately 1,200 alleged FNL dissidents from Rugazi to the outskirts of Cibitoke, in the vicinity of a school. This move provoked protests by the students after the alleged dissidents started to use the school's facilities. Although the Government announced that measures had been taken to ensure the school's security, students, civil society organizations and members of Parliament from Cibitoke continued to protest the situation, which remained fluid as at 16 November.

26. On 5 October, in a letter to the Under Secretary-General for Peacekeeping Operations, the Permanent Representative of Burundi to the United Nations requested urgent humanitarian support for the alleged FNL dissidents. In this context, BINUB facilitated consultations between the Government, humanitarian agencies and representatives of international partners to discuss this request. Since the alleged FNL dissidents were armed, it was determined that they could not be supported as a humanitarian case. Many also felt that the alleged FNL dissidents did not meet the criteria for the arrangements made by international partners in support of the implementation of the agreement to provide food and basic medical supplies to verified FNL combatants. Although the South African Facilitation has provided

basic provisions to temporarily sustain the alleged dissidents at Randa, the handling of a growing caseload will be increasingly challenging.

27. In July, I expressed my concern at how the peace process was evolving. I urged FNL to return to the Joint Verification and Monitoring Mechanism without delay and called upon both parties to refrain from any actions that might lead to a resumption of hostilities. I also asked my Executive Representative for Burundi to remain engaged with regional partners to help the parties re-establish dialogue. In addition, I contacted the Vice-Chairmen of the Regional Peace Initiative for Burundi, President Jakaya Mrisho Kikwete of the United Republic of Tanzania, to discuss the matter and to assure the Initiative of the United Nations full support. In the meantime, BINUB has been assisting the process, in particular the provision of technical assistance to the Monitoring Mechanism and the African Union Special Task Force. Despite the absence of FNL, BINUB is, at the request of the Facilitation, also participating as an observer in the Monitoring Mechanism and its associated joint liaison teams.

Security situation

28. Overall, the security situation in Burundi has deteriorated considerably since my previous report. The highest crime rates were recorded in Bujumbura and Bujumbura Rural, where the incidence of armed robberies and theft has increased. On 16 November, the Government re-imposed a curfew on roads serving Bujumbura. The curfew, which had been lifted in 2006, starts at 1800 hours until 0700 hours. Bujumbura, Bubanza and Cibitoke remain in security phase III, while the remaining provinces are in security phase II.

29. The reporting period was marked by a surge in the number of ambushes on highways, an increase in the number of armed robberies, especially within the capital, grenade attacks and sporadic gunfire. The high number of small arms and grenades in circulation as well as the continued influx of illicit weapons into the country are considered factors impacting the security situation. Widespread poverty and the high level of unemployment also continue to be contributing factors. The deterioration of the overall security situation has not affected United Nations staff in a significant way.

Regional developments

30. On 1 July, Burundi became a full-fledged member of the East African Community. In early October, Ministers of the Community visited regional integration projects in Burundi and met with Government and private sector representatives as part of the monitoring and evaluation activities of the Community.

31. On 28 June, the National Assembly ratified the Pact on Security, Stability and Development in the Great Lakes Region, making Burundi the first signatory to ratify the Pact. The United Nations Development Programme (UNDP) and BINUB supported the establishment of the Executive Secretariat of the International Conference on the Great Lakes Region in Bujumbura and BINUB is continuing to provide it with technical assistance. BINUB also participated in the meeting of the Regional Inter-ministerial Committee of the Conference in Nairobi on 8 and 9 November.

32. A number of regional security coordination meetings were held during the reporting period. On 27 and 28 August, military representatives of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda met in Kigali and agreed on the establishment of a joint planning cell to prepare operations against "negative forces" in the region. The establishment of the cell was endorsed by the Tripartite Plus Joint Commission at its meeting held in Kampala from 15 to 17 September.

III. Activities related to the Peacebuilding Commission

33. The Peacebuilding Commission has continued to follow the situation in Burundi closely. With the active support of BINUB, the Government and the Commission developed a Strategic Framework for Peacebuilding in Burundi (PBC/1/BDI/4, annex). Following consultations between Commission members, the Government and key stakeholders on the ground, the Commission endorsed the Strategic Framework on 20 June as an important step towards the development of an integrated peacebuilding strategy for Burundi. The Framework, which identifies eight peacebuilding priorities, is expected to guide the engagement and dialogue between the Government and the Commission, as well as other stakeholders.

34. A monitoring and tracking mechanism for the Strategic Framework is being elaborated with BINUB support. The mechanism will allow Burundi, the Peacebuilding Commission and other stakeholders to review progress towards the achievement of peacebuilding objectives and assess their contributions to those objectives. This mechanism will be part of the Partners' Coordination Group referred to in paragraph 71 below. Informal meetings of the Commission and in Bujumbura are taking place to finalize the development of this mechanism, which is expected to be adopted by the Commission on 26 November.

35. In view of the overall deteriorating situation, the Chairman of the Burundi configuration of the Peacebuilding Commission and Permanent Representative of Norway to the United Nations, Johan L. Løvald, undertook a fact-finding mission to Burundi from 5 to 7 September. During his visit, the Chairman noted with concern a general sense of uncertainty, given developments in the peace process, but welcomed the President's initiatives for political dialogue and expressed full support for efforts by the Regional Peace Initiative and the South African Facilitation towards implementation of the comprehensive ceasefire agreement.

36. On the return of the Chairman to New York, the Peacebuilding Commission adopted conclusions and recommendations (PBC/2/BDI/2, annex), in which it called upon key stakeholders to promptly resolve issues related to the fragile budgetary situation, the parliamentary deadlock and the withdrawal of FNL from the Joint Verification and Monitoring Mechanism.

37. As at 16 November, the Joint Peacebuilding Steering Committee, comprising representatives of the Government, civil society, BINUB and national and international partners, approved 12 projects for a total amount of $28,683,000, out of the $35 million awarded to Burundi from the Peacebuilding Fund. The projects correspond to the four areas of the peacebuilding priority plan, endorsed by the Commission in December 2006, and are aligned to the BINUB mandate. These include four good governance projects, four security sector reform projects, three human rights and justice projects and one project supporting the peaceful resolution

of land disputes. Several of the projects are in the early phase of implementation. The objectives of the projects are detailed in sections IV and V of the present report.

IV. United Nations integration

38. As indicated in my previous report, BINUB has developed three joint thematic programmes within the framework of the United Nations integrated peace consolidation support strategy in the areas of peace and governance; security sector reform and small arms; and human rights and justice, including transitional justice. These programmes aim to support the achievement of the benchmarks outlined in the addendum to the report of the Secretary-General (S/2006/429/Add.1).

39. In order to enhance the impact of its integrated peace consolidation support strategy, the United Nations system in Burundi is taking further steps towards integration at the strategic, programmatic and operational levels. In addition to three joint thematic programmes in the areas of health, education and HIV/AIDS, the United Nations is developing another joint programme that provides an integrated response to the needs of returnees and other vulnerable groups. Special attention has been given to the empowerment of women and children and the creation of socio-economic incentives for peace at the community level, as outlined in paragraph 69 below.

40. In accordance with Security Council resolutions 1325 (2000) and 1719 (2006), BINUB continued to incorporate a gender perspective into planning and mandate implementation processes. The Gender Group, chaired by my Executive Representative and composed of United Nations system focal points, became fully operational during the reporting period. In recognition of the specific needs of women and their contributions to the sustainability of peace, the Group has integrated a gender dimension and gender-sensitive indicators in all the joint programmes and the projects funded under the Peacebuilding Fund. Additionally, the Group conducted advocacy campaigns to promote the rights of women and to decry gender-based violence.

V. Peace consolidation challenges

Democratic governance

41. Given the precarious political situation, the widespread corruption, and the need for enhancing national capacity to provide basic services, BINUB has developed with the Government a project funded by the Peacebuilding Fund aimed at achieving the gradual integration of a democratic culture into national institutions. It aims to do so by creating self-sustaining national frameworks for dialogue among the main national stakeholders, including national and local elected officials, political parties, civil society, women's associations, the private sector, religious groups, trade unions and the media.

42. Preparatory activities for this project, including the identification of potential participants and awareness-raising, have been completed. A joint technical committee, composed of representatives of the Government, civil society and BINUB, started work in August, identifying 24 political parties and some 2,300 civil

society organizations operating nationwide at the provincial and local levels. This project is scheduled to be officially launched before the end of the year.

43. BINUB is also supporting the Government in its fight against corruption through a project funded by the Peacebuilding Fund. The project would support anti-corruption mechanisms that were created in 2006. In this regard, the anti-corruption court and the "anti-corruption brigade", as well as nine regional branches, are receiving support from BINUB, allowing them to become fully operational countrywide. BINUB will also work closely with the World Bank, which launched a national survey on corruption in Burundi on 12 November. Other governance activities include the preparatory work for a general population census, to be held in 2008 with support from the United Nations Population Fund (UNFPA), the European Union and the United Kingdom of Great Britain and Northern Ireland.

Security sector reform

44. Supporting the development of an overall plan for security sector reform is a mandated task for BINUB and one of the benchmarks outlined in the report of the Secretary-General (S/2006/429/Add.1). However, the Government has informed BINUB that it does not wish to engage in the development of such a plan. Instead, the Government is pursuing parallel reforms in each pillar of the security sector.

45. Subsectoral plans have already been finalized for both the National Defence Forces and the Burundi National Police. In June, the Ministry of National Defence and Veterans' Affairs presented a five-year plan for the National Defence Forces to the international community. The plan focuses on the need to reinforce the political neutrality of the National Defence Forces and fostering the emergence of a professional force. This includes clarifying the role of the National Defence Forces in relation to the Burundi National Police; adjusting its strength in accordance with its tasks and available financial resources; upgrading personnel, financial and operational management capacity; and provision of adequate training.

46. With support from BINUB and bilateral partners, the Burundi National Police has developed a 10-year (2007-2017) strategic development plan, expected to be adopted by the Government before the end of the year. The plan articulates the Government's overall strategy for the operationalization of the Burundi National Police. It includes the establishment of regional coordination mechanisms; training in all aspects of policing; and enhancing operational capacity, including equipment and infrastructure.

47. The Government has also initiated a census of the National Defence Forces and is preparing a similar process for personnel of the Burundi National Police with support from international partners. In the meantime, the downsizing of the National Defence Forces and the Burundi National Police has continued through the national demobilization, reinsertion and reintegration programme financed by the Multi-country Demobilization and Reintegration Programme. As at 16 November, 3,779 members of the National Defence Forces and the Burundi National Police had been demobilized, bringing the total number of former combatants to 24,105, including 506 women and 3,041 minors. The strength of the National Defence Forces remains at 27,000. It is therefore not expected that the Government will meet its commitment to reduce its strength to 25,000 by 31 December, in accordance with its letter of demobilization policy of 19 February 2004. In its discussions with the

international financial institutions, the Government has agreed on a set of remedial measures addressing this issue.

48. BINUB and the Government have developed four projects for funding under the Peacebuilding Fund in support of security sector reform. The first is expected to reduce friction by removing the National Defence Forces from population centres, through the rehabilitation of 14 barracks. Implementation of the project is expected to start on 15 January and to be completed by April 2008. The second project supports the professionalization of National Defence Forces personnel through the provision of discipline and leadership training. A third project supports the operational capacity of the Burundi National Police by providing equipment for data processing as well as transport facilities. The last project has been developed to support the reform of the intelligence services, including by clarifying its mandate at the national level, strengthening its oversight bodies and enhancing its professional and technical capacities. The implementation of these three projects is also expected to commence in early 2008.

Small arms

49. The lack of progress towards reducing the proliferation of small arms and light weapons during the reporting period was partly due to the precarious political and security situation. The very limited capacity of the National Technical Commission for Civilian Disarmament was also a delaying factor. In this regard, the implementation of an effective, comprehensive civilian disarmament programme and the adoption of a national legal framework regulating the civilian ownership of weapons are key peace consolidation tasks that have yet to be accomplished.

50. At the end of November, BINUB will convene a workshop for Commission members to build their technical capacities in this area. A project funded under the Peacebuilding Fund developed by BINUB and the Government in support of the Commission is in its early stages of implementation. The project includes a sensitization campaign and pilot disarmament activities. In the meantime, civil society and media networks have been established and sensitized on the issue. They are now expected to contribute to the Commission's outreach efforts in early 2008. The first pilot disarmament programme is expected to start by mid-2008.

Human rights

51. Overall, the human rights situation in the country deteriorated further, notably due to politically motivated violations. Since the end of September, these violations, including the harassment of supporters of the former CNDD-FDD President, decreased considerably. While there was a reduction in violations committed by members of the National Defence Forces, those committed by members of the Burundi National Police remained very high. Widespread arbitrary arrests and detentions were also recorded during the reporting period. Furthermore, the political commitment of the Government to stem impunity has yet to be translated into concrete action. In this regard, investigations into the Gatumba and Muyinga massacres of 2004 and 2006, respectively, have not been concluded, nor have any of the perpetrators been brought to justice.

52. Sexual violence against women and children remains an issue of particular concern. Of the several hundred rape cases reported to BINUB during the reporting period, only a few were reported to the national authorities. Moreover, only a small percentage of prosecuted offenders were sentenced.

53. To help address these human rights violations, BINUB has continued to work closely with national authorities, including through weekly meetings with the leadership of the national security services to follow up on violations perpetrated by their members. BINUB has also conducted numerous awareness and capacity-building activities for representatives of the Government, media, trade unions, civil society and the general population. In addition, BINUB has developed a regional strategy framework to end sexual violence and has worked to ensure the incorporation of the protection of women's rights in the national training programmes for the National Defence Forces and the Burundi National Police.

54. BINUB has provided technical assistance in preparation for the establishment of a national independent human rights commission in Burundi. Nationwide awareness-raising and information workshops, as well as a validation session, have been completed. The drafting of a legal framework for the Commission is also in progress. On 2 November, the Ministry of National Solidarity, Human Rights and Gender, in collaboration with BINUB, organized a validation workshop for the draft law on the commission. At the workshop, the Minister of National Solidarity reiterated her commitment to accelerate the establishment of the commission. The revised draft law is expected to be submitted to the Government shortly for further review prior to adoption by Parliament. The operationalization of an independent and well-resourced national independent human rights commission would constitute the achievement of an important benchmark outlined in the addendum to the report of the Secretary-General (S/2006/429/Add.1).

Justice sector reform

55. Limited progress was achieved towards the development of a comprehensive legal and judicial reform strategy that would ensure the independence and efficacy of the judicial system. Although the Ministry of Justice has adopted a sectoral reform plan, its implementation remains slow. In addition, the lack of well-trained personnel continues to hamper the functioning of the justice system.

56. The number of individuals in pretrial detention remained high, while the draft penal code was not adopted due to the paralysis in Parliament. In September, BINUB, in collaboration with national experts, suggested amendments to the draft law on the reform of the code of criminal procedure. Key proposed changes include improvement in the law pertaining to juveniles.

57. In support of judicial reform, BINUB and the Government developed and formally launched during the reporting period two projects funded under the Peacebuilding Fund. The first project involves the renovation and construction of 17 magistrates courts, to be completed by mid-2008. The second project involves the training of magistrates in the execution of judgements. So far, 176 magistrates and 70 clerks and bailiffs from eight provinces have been trained under this project, which is expected to be completed at the end of November.

58. Additional initiatives on juvenile justice, prison overcrowding and needs of pretrial detainees are also under way. BINUB, the General Directorate for Penitentiary Affairs and other stakeholders established a working group in September to monitor prison overcrowding and to seek durable solutions to this problem. In October, a pilot project on juvenile justice was launched in Ngozi to train Government and civil society representatives on international juvenile justice standards and to draft a comprehensive action plan for 2008.

Transitional justice

59. Notable progress has been achieved towards the establishment of transitional justice mechanisms during the reporting period. On 2 November, the First Vice-President and my Executive Representative signed a framework agreement on the establishment of a Tripartite Steering Committee for National Consultations on Transitional Justice Mechanisms in Burundi. The Committee is composed of two representatives each from the Government, civil society and BINUB. At the signing ceremony, President Nkurunziza pledged to personally ensure that the population would be free to express its views on the matter. The Committee will work on the strategy and implementation measures for national consultations, which it will supervise before drafting its final report. The consultation process is expected to be completed in one year.

60. BINUB also organized awareness-raising and information activities on transitional justice and collaborated with civil society in developing methodologies to enable them to participate in the work of the Tripartite Steering Committee. The successful conclusion of a national consultative process on the establishment of a truth and reconciliation commission is an important benchmark and will enable Burundi to progress on this key peace consolidation task. Further discussions between the Government and the United Nations are however still required, to reach a common understanding on the relationship between the proposed truth and reconciliation commission and the special tribunal.

Humanitarian situation

61. Despite the prevalence of extreme poverty, the overall humanitarian situation improved in some parts of the country during the reporting period, with the second agricultural season in 2007 yielding a 5 per cent increase compared with 2006. However, the coffee harvest during this season was very poor, resulting in a decrease in earnings. Food deficits have persisted throughout 2007 and affect a significant number of people, particularly single parent households, households headed by minors, persons with disabilities or HIV/AIDS and recent returnees. This situation is compounded by the significant rise in prices for basic commodities and seeds.

62. Preparation for the first 2008 agricultural season was completed in mid-October. The Food and Agriculture Organization of the United Nations (FAO) distributed agricultural kits, including seeds and equipment, to an estimated 200,000 vulnerable households. FAO also organized seed fairs in collaboration with other partners, allowing farmers to acquire more productive varieties of seeds. To mitigate the risk of families consuming the seeds, the World Food Programme (WFP) has

simultaneously distributed food rations to 100,000 of the most vulnerable families. WFP requires 10,000 metric tons to complete its planned activities until March 2008. WFP is also supporting an estimated 200,000 children through primary school feeding activities.

63. Having assessed that Burundi no longer faces an acute humanitarian crisis, the Government and the United Nations agreed in September not to launch a Consolidated Appeal Process for Burundi in 2008. On 16 October, the Ministry of Interior established a national body responsible for disaster management. It is expected that the Office for the Coordination of Humanitarian Affairs will conclude its operations in Burundi by the end of June 2008. Should the BINUB mandate be extended, a small early recovery unit will be established in BINUB as of July 2008 to assist my Executive Representative in his Humanitarian Coordinator functions and in support of the BINUB mandate to coordinate United Nations activities.

Refugee returns and community recovery

64. A total of 33,036 Burundian refugees returned between January and November, mostly from the United Republic of Tanzania. Significant fluctuations in the pace of return were observed, with 10,588 repatriating voluntarily in August alone. Since 10 July, the Office of the United Nations High Commissioner for Refugees (UNHCR) has increased its assistance to returnees from the United Republic of Tanzania with the distribution of the equivalent of $50 cash grants per person. In August, WFP increased its food assistance for these returnees from four to six months. Both measures, along with improved food security in Burundi, may have contributed to the increased returns.

65. During the reporting period, the Government of the United Republic of Tanzania reiterated its call for Burundian refugee camps in the United Republic of Tanzania to be closed by 31 December. It nevertheless reiterated that refugee returns would remain voluntary. On 4 June, the Tripartite Commission on the Voluntary Repatriation of Burundian Refugees living in the United Republic of Tanzania (Burundi, the United Republic of Tanzania and UNHCR) agreed to develop a comprehensive strategy for the over 200,000 Burundian refugees who have taken up residence in the United Republic of Tanzania since 1972, most of whom have not returned due to limited reintegration perspectives.

66. In July, an integrated Steering Commission for the Repatriation and Reintegration of Returnees was established in Burundi. The Commission comprises representatives of four ministries, donors, BINUB, UNHCR, WFP, and the United Nations Children's Fund (UNICEF), with the Office for the Coordination of Humanitarian Affairs and UNDP providing its secretariat. The Commission provides a coherent and integrated response to the basic needs of the returnees and displaced and expelled persons, as well as the needs of the host communities, including the promotion of cohesion and reconciliation. This Commission oversees the development of the related new joint programme mentioned in paragraph 37 above.

67. From 7 to 11 May, a joint assessment led by UNHCR and WFP examined conditions in four provinces with high rates of returnees. Despite the economic challenges facing the returnees, the mission concluded that they were not discriminated against, notwithstanding isolated cases. However, it was determined that these provinces faced major food security challenges and had very limited

opportunities for income generation and access to services. During the reporting period, UNHCR provided building materials to 6,750 families. An extension of this shelter programme is foreseen for 2008.

68. As at 16 November, 8,902 Burundians had been expelled from the United Republic of Tanzania in 2007. UNICEF, the Burundian Red Cross and the Government project for the reintegration of war-affected persons continue to provide assistance, with support from the European Union and the European Commission Humanitarian Aid Office (ECHO). Meanwhile, the demand by Congolese refugees in Burundi to be transferred from urban centres to refugee camps led to the saturation of available camps during the reporting period. In June, UNHCR reopened a transit centre in Ngozi, where some 4,809 Congolese refugees were registered. WFP also continues to assist Congolese refugees in UNHCR-run camps.

69. As part of the UNDP managed programme started in 2005, the United Nations in Burundi has continued to support community recovery through projects to rehabilitate infrastructure as well as through promoting food security and income-generating activities in five provinces. These activities were extended to three other provinces during the reporting period, including construction of houses, classrooms, vocational training centres, outdoor markets and agricultural support facilities. Direct beneficiaries include returnees, displaced persons, demobilized combatants, and other vulnerable groups. Two projects funded by the Peacebuilding Fund and supported by the United Nations Development Fund for Women (UNIFEM) and UNFPA, help empower women and youth to participate in peacebuilding and community recovery.

Economic situation

70. The socio-economic situation during the reporting period was characterized by acute budgetary constraints and a significant increase in the price of basic commodities, in particular food and petrol. Combined with the Government's failure to implement the announced 34 per cent salary increase for civil servants, the situation has led to widespread discontent and social tensions. Since October, trade unions have expressed their intention to strike, with secondary schoolteachers, nurses and non-magistrate personnel in the Ministry of Justice already engaged in strikes.

71. With support from UNDP and BINUB, the Government of Burundi prepared a priority action plan for the implementation of Burundi's poverty reduction strategy paper. The priority action plan was presented at the donor round-table conference in Bujumbura in May. While pledges of $681.24 million exceeded Burundi's request for $640.9 million, the release of funds has been delayed owing to a number of factors, including the postponement of the conclusion of the sixth review by the International Monetary Fund (IMF) of the Poverty Reduction and Growth Facility; poor management of public finances; weak institutional capacity; and the lack of a credible aid coordination monitoring and evaluation framework. In this regard, a joint mechanism is being established to ensure coordination and linkage between development efforts and peace consolidation priorities. This mechanism, to be known as the Partners' Coordination Group, brings together relevant ministries and key national and international partners.

72. The Government's reported double-payment of bills — estimated at several million dollars — to a company that imports oil into Burundi has further weakened the Government's position in relation to the international financial institutions and donors. These allegations of corruption at the highest level prompted the resignation of Finance Minister Denise Sinankwa. An international arrest warrant has been issued against her and the former Governor of the Central Bank has been arrested, while other prominent political actors allegedly implicated are under investigation.

73. In order to gain time to redress the fiscal deficits and deal with related governance issues, the Government requested an extension of negotiations to conclude the sixth IMF review. On 7 November, an IMF mission concluded that the Government had taken appropriate measures to address the corruption case referred to in paragraph 72 above. The mission also found that Burundi's macroeconomic situation was satisfactory and announced its readiness to provide letters of assessment to donors to permit the release of pledged budgetary support.

74. IMF has revised estimates for Burundi's 2007 economic growth from 5 to 3.5 per cent, mainly owing to the poor performance of the coffee sector, Burundi's main export commodity. However, IMF commended Burundi's 7 per cent inflation rate and highlighted the Government's efforts in this regard. IMF forecasts a 6 per cent economic growth and inflation rate for 2008. The sixth annual review is expected to be concluded in January 2008.

VI. Financial aspects

75. By its resolution 61/258, the General Assembly appropriated an amount of $33,080,400 for BINUB for the period from 1 January to 31 December 2007. Subject to the extension of the mandate of BINUB beyond 31 December 2007, the cost of maintaining BINUB for 2008 has been included in the proposed programme budget for the biennium 2008-2009 in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council.

VII. Observations

76. The peace consolidation process in Burundi has passed through a difficult period in the past six months. The political crises and institutional paralysis, along with the blockage in the peace process, underscores the fragility of the situation and the continued need for vigilance. The deterioration of the overall security situation and the continued human rights violations are of particular concern.

77. The appointment of an inclusive Government on 14 November is an encouraging development in the peace consolidation process because the new Government's composition is in full compliance with the spirit and the letter of the Constitution. Despite many hurdles, President Nkurunziza's perseverance in dialogue with UPRONA and FRODEBU have led to this positive outcome. He is to be commended, along with the leaders of those parties, for the leadership and the flexibility in ending the political crisis that had heightened tensions and delayed the implementation of key peace consolidation tasks.

78. National and international expectations are high. While adhering to the democratic principles, political parties must now work in good faith to redress Parliament's minimal legislative output in 2007, and accelerate the adoption of critically needed laws. The new Government must also focus efforts to address in earnest the many outstanding peace consolidation and reconstruction challenges that have been put in abeyance during the political crises of the past months.

79. The Government's highest priority should be to successfully conclude the last phase of the peace process. There is an urgent need for the resumption and early implementation of the comprehensive ceasefire agreement within an overall political framework that addresses the concerns of the Government and FNL. While I commend the Government's restraint thus far, I am very concerned about the humanitarian and security consequences of a prolonged stalemate. I call upon the new Government and FNL to meet the aspirations of all Burundians and seize this opportunity by engaging in good faith on the issues that have hindered progress to date. In the meantime, it is imperative that FNL resume its participation in the Joint Verification and Monitoring Mechanism without delay or preconditions.

80. I wish to express my gratitude for the ongoing efforts of the Regional Peace Initiative and the South African Facilitation to reactivate the peace process. I also wish to reaffirm the United Nations full confidence in the Facilitator, South African Minister for Safety and Security, Charles Nqakula. The continued support and strong engagement of regional and international partners will be crucial for the successful conclusion of the process by 31 December as stipulated by the African Union. In this regard, the parties should be strongly encouraged to agree on a road map of sequenced steps and clear time frames for the successful implementation of the agreement. I also encourage the Security Council and the African Union to explore additional ways to support the process.

81. To allay national and international concerns regarding accountability and transparent management, the implementation of the much-needed governance reforms and the fight against corruption should also be very high on the new Government's agenda. The initial steps taken to fight corruption are commended and I welcome the constructive dialogue between the Government, the World Bank and IMF over the past months. It is hoped that the conclusion of the sixth IMF review would enable donors to disburse the much-needed budgetary and other support pledged during the May round table. Such support is crucial to addressing the pressing demands for basic services and for creating socio-economic incentives for peace.

82. The Government also needs to take concrete steps towards fighting impunity and significantly reducing the human rights violations committed by the national security forces. In this connection, reinforced efforts should now be directed towards the implementation of concrete and tangible reforms in the justice and security sectors with the support of international partners.

83. The demands for recovery at the community level are urgent, given the extreme poverty and stagnating development indicators. There is a pressing need to create an environment conducive to the return of refugees and communities receiving former combatants and returnees and those displaced by the conflict requiring special attention. The commitment of the Government of the United Republic of Tanzania to the voluntary return of Burundian refugees in the United Republic of Tanzania is welcomed.

84. I am encouraged by the Peacebuilding Commission's close engagement on Burundi. The Strategic Framework for Peacebuilding is an important document that outlines the priorities and commitments of all stakeholders. It is hoped that the establishment of the Framework's monitoring and tracking mechanism will further strengthen the relationship between the Commission and Burundi. Once these mechanisms are in place, I urge the Commission to put additional emphasis on sustaining international attention on Burundi and facilitating the marshalling of resources for peacebuilding and reconstruction efforts in the country.

85. The establishment of the Tripartite Steering Committee for National Consultations on Transitional Justice is an important step forward towards national reconciliation, a key task for the consolidation of peace. The inclusion of civil society in this process is particularly welcomed. I urge the Government to accelerate the consultation process, and to work with the United Nations on reaching a common understanding on the remaining pending issues regarding the establishment of the truth and reconciliation commission and the special tribunal.

86. In view of the persisting peace consolidation challenges, I believe that the role of BINUB remains critical to support the efforts of Burundians to sustain peace and promote national reconciliation. Therefore, I recommend that the Security Council extend the mandate of BINUB for an additional 12-month period, following the expiration of the current mandate on 1 January 2008.

87. Since January 2007, the efforts of BINUB and resources have been largely devoted to integrating United Nations activities at the strategic, programmatic and operational levels, as well as establishing the necessary coordination mechanisms with the Government, the Peacebuilding Commission, and other partners. BINUB has also invested considerable resources in supporting national partners to develop and begin implementing projects funded through the Peacebuilding Fund. With these strategies and structures in place, and should the Security Council renew its mandate, BINUB will focus in the next phase on fully implementing the planned activities in support of achieving the benchmarks outlined in the addendum to the report of the Secretary-General (S/2007/429/Add.1), with particular emphasis on the most critical political and security challenges.

88. In this regard, I feel that BINUB should play a more robust role in support of the peace process between the Government and FNL, in full coordination with regional and international partners and in accordance with its mandate. BINUB should continue to provide political and technical support to help national actors address the root causes of the conflict, prevent a relapse into conflict and create an environment conducive to recovery and development.

89. In conclusion, I wish to express my appreciation to my Executive Representative for Burundi, Youssef Mahmoud, and all BINUB personnel for their work in support of consolidating peace in Burundi. My appreciation also goes to all United Nations personnel, non-governmental organizations and bilateral and multilateral donors for their generous contributions and sustained support to the cause of peace in that country.

United Nations S/2007/683

Security Council

Distr.: General
26 November 2007

Original: English

Draft resolution

The Security Council,

Recalling its resolution 1775 (2007) of 14 September 2007,

Having regard to Article 16 (4) of the Statute of the International Tribunal for the former Yugoslavia,

Having considered the nomination by the Secretary-General of Mr. Serge Brammertz for the position of Prosecutor of the International Tribunal for the former Yugoslavia (S/2007/678),

Recalling that resolution 1503 (2003) of 28 August 2003 called upon the International Tribunal for the former Yugoslavia to take all possible measures to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010 (ICTY completion strategy),

Recalling also its resolution 1534 (2004) of 26 March 2004 which emphasized the importance of fully implementing the International Tribunal's completion strategy and urged the Tribunal to plan and act accordingly,

Decides to appoint Mr. Serge Brammertz as Prosecutor of the International Tribunal for the former Yugoslavia with effect from 1 January 2008 for a four-year term, which is subject to an earlier termination by the Security Council upon completion of the work of the International Tribunal.

07-61687 (E) 281107

United Nations S/2007/684

Security Council

Distr.: General
28 November 2007

Original: English

Letter dated 28 November 2007 from the Secretary-General to the President of the Security Council

I have the honour to transmit herewith the ninth report of the International Independent Investigation Commission, which was prepared pursuant to Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1686 (2006) and 1748 (2007).

The report provides the Security Council with an overview of the progress made by the Commission since its previous report to the Council, dated 12 July 2007, in the investigation of the assassination of former Lebanese Prime Minister Rafiq Hariri and 22 others on 14 February 2005. The report also provides details of the assistance provided by the Commission to the Lebanese authorities in the investigation of 18 other bombings and assassinations in Lebanon since October 2004, including the assassination of Antoine Ghanem, a Member of Parliament, and five others on 19 September 2007. The report also highlights some of the measures the Commission has taken to prepare for the handover of its activities to the Special Tribunal for Lebanon at the time when the Tribunal begins functioning.

I wish to take this opportunity to reiterate my sincere thanks to Commissioner Serge Brammertz for his outstanding leadership of the Commission since his appointment in February 2006. I also wish to convey my thanks to the Commission's personnel, who have continued to show commitment and dedication in carrying out this important mission. I also would like to thank the Government of the Republic of Lebanon for its continued cooperation and support.

I should be grateful if you would bring this matter to the attention of the members of the Security Council. Meanwhile, I am transmitting the report to the Government of the Republic of Lebanon.

(*Signed*) **Ban** Ki-moon

07-61693 (E) 041207

Ninth report of the International Independent Investigation Commission established pursuant to Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1686 (2006) and 1748 (2007)

Serge Brammertz
Commissioner

Beirut
November 2007

Summary

The Security Council requested the International Independent Investigation Commission to report to it every four months on the progress of its inquiry, including cooperation received from the Syrian authorities.

The present report outlines the progress made since 12 July 2007 in the investigation into the assassination of former Lebanese Prime Minister Rafiq Hariri as well as the technical assistance provided to the Lebanese authorities in their investigations into 18 other cases, notably the assassination of Member of Parliament Antoine Ghanem on 19 September 2007.

Building on the consolidation of all of its findings conducted in the previous reporting period, the Commission has focused on the implementation of detailed workplans in all areas of the investigations. The pace and progress of the Commission's activities have been encouraging and have allowed the Commission to reach a satisfactory understanding in a growing number of investigative areas and to refine its investigative priorities for the coming months.

As the scope of its investigations narrows, the Commission is taking an increasingly cautious approach to the management of information. This approach is being taken to protect the integrity both of the investigation and of any future legal process and to ensure the security of individuals who cooperate or desire to cooperate with the Commission as well as the security of the staff of the Commission.

During this reporting period, the Commission also continued to prepare for the transition to the Office of the Prosecutor of the Special Tribunal for Lebanon at the time when the Tribunal begins functioning. The activities of the Commission in this regard include specific investigative and analytical projects and preparations for the transfer of the Commission's data, files, documents and exhibits.

Since its previous report to the Council (S/2007/424), the Commission has continued to work closely with the Lebanese authorities and has received generally positive responses when seeking assistance from Lebanon and the Syrian Arab Republic as well as other States.

Despite the mitigating measures put in place, the tense political and security environment in Lebanon continues to have an impact on the activities of the Commission.

I. Introduction

1. The present report is submitted pursuant to Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1686 (2006) and 1748 (2007), in which the Council requested the International Independent Investigation Commission to report every four months to the Council on the progress of its inquiry, and on international cooperation, including the cooperation received from the Syrian authorities.

2. This report, the ninth report issued by the Commission, provides an update on issues covered in previous reports to the Council and notes the progress made in the work of the Commission since its last report of 12 July 2007 (S/2007/424).

3. During the reporting period, the security and political situation in Lebanon remained very tense. At the time of the finalizing of the present report, Lebanon's parliament had not elected a new president to replace President Emile Lahoud, whose term expired on 23 November 2007. Although the security situation remained relatively calm during this crisis, the country's security forces are on high alert, braced for a possible deterioration if the ongoing deadlock is not broken. The reporting period was also marked by a number of security incidents, most significantly the assassination of Member of Parliament Antoine Ghanem and five other persons on 19 September 2007.

4. As reported in the Commission's last submission to the Council, the focus during the previous reporting period was on bringing together all of the Commission's information, findings and recommendations on all the ongoing investigations. That consolidation produced a number of comprehensive, confidential reports, including a 2,000-page report on the Hariri investigation. That intensive exercise has enabled the Commission to inventory its current holdings, assess the evidence and identify remaining gaps in the investigation as well as potential new leads. These internal reports, which are kept up to date, will be one of the major tools in the transition from the Commission to the Office of the Prosecutor of the Special Tribunal for Lebanon.

5. Building on the consolidation efforts, the focus for the reporting period shifted to the implementation of the detailed 150-page workplans which were developed based on the consolidated reports. Despite several organizational challenges faced by the Commission, the rate of progress has been encouraging, with 109 interviews conducted in the past four months.

6. As the investigation into the assassination of former Lebanese Prime Minister Rafiq Hariri and 22 others on 14 February 2005 progresses, the Commission has increasingly been able to narrow the scope of the investigation by drawing more precise preliminary conclusions regarding the circumstances surrounding the crime while excluding certain previously held hypotheses. Thanks to the progress made during the reporting period, the Commission has reached a satisfactory understanding in a growing number of investigative areas, developed certain new investigative leads and identified additional persons of interest.

7. As the scope of the investigations narrows and as investigative priorities are refined, the Commission is taking an increasingly cautious approach to the management of information linked to the investigations. This approach is being taken in order to protect the integrity of the ongoing investigations as well as the legal process in the light of the upcoming transition to the Special Tribunal for

Lebanon. The Commission is also obliged to maintain the confidentiality of the investigative process to avoid compromising investigative techniques and tactics which, if known, could hinder the progress of the investigations.

8. Moreover, the Commission is mindful of the need to avoid undue influence, whether real or perceived, on potential or future witnesses in particular by providing information which may allow the identification of the source of such information. It is of paramount importance to the Commission that the confidentiality of those persons who cooperate or desire to cooperate with the Commission be maintained. The Commission also acknowledges potential safety concerns related to persons directly or indirectly identified as persons of interest who may have been involved in some aspects of the preparation and commission of the crimes or who may have known that a plan to carry out the crimes was being prepared. The Commission is also mindful of its duty to protect the security of its own staff and has therefore implemented a number of additional security measures designed to protect the Commission's staff and maximize information security management.

9. In the light of this approach, the present report should be seen by the Council as a general overview of the activities of the Commission during the past four months rather than as a comprehensive account of the progress made to date in the investigations. This approach is taken in full agreement with the Lebanese judicial authorities.

10. Following the adoption of Security Council resolution 1757 (2007), in which the Council called for the establishment of a Special Tribunal for Lebanon, the Commission has been preparing to hand over its work to the Office of the Prosecutor of the Tribunal when the Tribunal begins functioning. The Commission has been particularly active in preparing the transfer of its sizeable electronic data holdings to the Office of the Prosecutor. The Commission has also worked with the team set up to oversee the transition to establish the first elements of a witness-protection programme adapted to the specific circumstances of the Tribunal. In addition, the Commission is working with the transition team on some important administrative aspects of the handover between the two institutions.

11. Throughout the reporting period, the Commission maintained close and collegial interaction with the Lebanese authorities on all matters related to its work. With regard to its requests for assistance, the Commission has continued to receive generally satisfactory responses from all States, including the Syrian Arab Republic. The Commission notes that, in order to implement its mandate, it continues to depend on the full and timely cooperation of all States.

II. Progress in the investigations

A. Hariri investigation

12. Since its previous report to the Council, the Commission has continued to devote most of its resources to the investigation into the assassination of Rafiq Hariri. As outlined in the Commission's most recent report, detailed workplans were drawn up based on an extensive consolidation effort which brought together the Commission's considerable information and findings on all aspects of the Hariri investigation. These workplans identified the priority objectives to be pursued by

the Commission before the end of its current mandate and in preparation for the transition to the Special Tribunal for Lebanon in each area of the investigation. As foreseen, the focus of the Commission in this reporting period has been the implementation of these workplans.

13. Progress has been encouraging. Of the more than 200 priority interviews identified in the Hariri investigation, 70 were conducted during this reporting period, both in Lebanon and abroad. The Commission has taken a number of other conclusive investigative steps, in particular in the fields of forensics and communications analysis, which have significantly advanced the Commission's understanding of the events of 14 February 2005 and allowed the identification of additional persons of interest.

1. Crime scene and associated topics

14. Regarding the crime-scene-related aspects of the investigation, the Commission has resolved a number of remaining issues during the reporting period. Since its previous report to the Council, the Commission has conducted 26 witness interviews in relation to the Hariri crime-scene investigations and received the results of several forensic examinations, which have helped it draw some additional preliminary conclusions.

15. Most of the forensics projects undertaken by the Commission have now been completed. Of the 66 forensic projects undertaken since January 2006 in the Hariri investigation, only 23 remain open, including eight new projects initiated during the reporting period. The Commission will focus its efforts in the next reporting period on obtaining the results of the remaining forensics projects in order to complete the extensive work undertaken in this area since 2005. As in other areas, all the new results will be added to the Commission's consolidated reports, which will be fully updated before the end of its mandate.

Improvised explosive device

16. As indicated in the Commission's previous report, all of the results and findings regarding the type and amount of explosives, the type of initiating device, the type and position of the container which carried the improvised explosive device and the exact time of the blast were brought together in one consolidated report. Newly available reports have confirmed the Commission's preliminary findings. The Commission is satisfied that it has conducted all possible and relevant comparisons of the type of explosives used in the attack. Thanks to the considerable progress made during the reporting period in addressing the remaining questions regarding the improvised explosive device, the Commission is satisfied that it has reached a comprehensive understanding of most of these aspects of the crime.

17. During the reporting period, specific emphasis was placed on tracing the origin of the explosives. The Commission is currently reviewing new information regarding persons, groups and institutions which may have had access to these types of explosives in the period preceding the attack. The Commission is also reviewing cases of possible disappearances of explosives in the period prior to the attack.

18. In addition, analysis based on newly available seismological data has allowed the Commission to draw meaningful comparisons between the seismological signals recorded by the National Centre for Geophysics in Lebanon following the explosion

in the Hariri case and other explosions, including some of the other cases in which the Commission is providing technical assistance to the Lebanese authorities, and to make a comparative analysis of those signals in order to evaluate and confirm the size of the blasts and other factual elements associated with each explosion. That data has been stored in a way that will allow for easy comparisons of the intensity and other specific characteristics of those different explosions.

19. Having undertaken additional investigative steps during the reporting period, the Commission is satisfied that the possibility that the improvised explosive device was delivered by aerial means can be excluded.

Mitsubishi van

20. Through the consolidation of all its findings in the previous reporting period, the Commission has reached a satisfactory understanding of the origin and recent history of the Mitsubishi Canter van used in the attack. In the reporting period, the Commission focused on the remaining questions regarding the sale of the van to its final users. Four additional interviews have been conducted since the Commission's last report to obtain a more precise understanding of the timeline and circumstances of that sale. The Commission has also obtained statements and documents which have allowed it to increase its appreciation of the sequence of transactions which led to the sale of the vehicle.

21. The Commission has information which indicates that two males purchased the vehicle using counterfeit identification documents. These individuals also provided false contact details to the vendor at the time of the purchase of the van. The Commission is working to identify them and to clarify their background and possible involvement in the crime.

22. The Commission is also still concentrating on the preparation phase of the vehicle. Given the scale and sophistication of the attack, loading the vehicle with the explosives and preparing it for the attack was likely to have been a lengthy process requiring the participation of several individuals, including individuals with experience in handling explosives. Several interviews are planned for the next reporting period to advance this line of inquiry. The Commission's findings based on exhibits found at the crime scene suggest that the explosives were covered with a wood plank in the loading platform of the Mitsubishi van. The Commission will continue its examinations to advance its understanding of the preparation of the vehicle for the attack and to finalize its understanding of the exact location and layout of the explosives.

Identity of the suicide bomber

23. The Commission has continued to refine its understanding of the geographic origin of the unidentified male presumed to have been the suicide bomber. As reported earlier, the Commission has been able to establish a more detailed profile of this individual's personal history.

24. Through odontological examinations, statistical comparisons of DNA profile distribution and comparative isotopic investigations, the Commission has developed one principal hypothesis regarding the specific area of the Middle East from which the unidentified male is thought to have originated. Expert findings received during the reporting period suggest that the presumed suicide bomber was exposed to

significant quantities of a specific type of lead, possibly through proximity to military ammunition, between the ages of 16 and 20. This could indicate that he was living close to either a conflict area or an area where weapons were used on a regular basis, such as a military training camp. New expert findings have provided additional information on the possible place of birth of the unidentified male as well as further details on the location where he may have spent his childhood. The Commission is awaiting the results of further forensic examinations to confirm these findings.

25. Although this line of inquiry has already produced very useful results and continues to be promising, the Commission remains mindful that these initial conclusions must be carefully interpreted and the limitations clearly understood. These results will need to be further explored in the next reporting period, in conjunction with other areas of the investigation, in order to advance this line of inquiry.

26. The results obtained in the reporting period concerning the origin of the presumed suicide bomber have led the Commission to turn its attention to persons who match the unidentified male's characteristics and who entered Lebanon during the time period under consideration. This project entails the analysis of the more than 2 million entry records obtained by the Commission. In addition, the Commission is currently examining the missing-person records held by a number of countries. These large-scale, resource-intensive projects will continue in the next reporting period.

Other forensic issues

27. As indicated in the Commission's previous report to the Council, the Commission has brought together more than 330 DNA profiles, 160 fingerprints and 24 sketches of persons of interest to the investigations which have been collected in the course of the Commission's investigations. These have all been placed in searchable databases which have recently become operational and are used by the Commission to carry out comparisons with similar existing national and international criminal databases. These comparisons have started to yield some significant results by generating new avenues for investigation and, equally importantly, allowing the Commission to close down other investigative tracks.

28. Progress has been made in completing the Commission's exhibits database. So far, more than 3,000 physical and biological exhibits accumulated in the course of the investigations have been entered into the database, and the Commission will aim to finalize this project in the next reporting period. This database will be linked to a project involving a three-dimensional visualization of the crime scene.

29. In order to ensure the integrated and coordinated management of the exhibits in preparation for the transition to the Tribunal, the Commission has assumed custody of most of the remaining forensic exhibits from the Hariri crime scene, some of which were previously held by the Lebanese authorities. The Commission will complete a review and inventory of these items and carry out additional forensic examinations where appropriate.

Other crime-scene investigations

30. The Commission's consolidation efforts have allowed it to establish the circumstances regarding the route taken by Rafiq Hariri's convoy, the composition of the convoy on the day of the attack, the status of the jamming devices used in the convoy vehicles, the circumstances regarding the slight delay of the convoy at a point on the route between parliament and the Saint Georges Hotel, the presence of suspicious road works near the Saint Georges Hotel, the presence of specific vehicles on or near the crime scene, as well as the alleged tampering with the crime scene and obstruction of the investigation. The Commission is also satisfied that it has compiled a comprehensive list of individuals who were informed of the convoy's movement on the day of the assassination.

31. During the reporting period, the Commission continued to gather more details about the activities of Rafiq Hariri in the period immediately prior to his death. The Commission has conducted eight witness interviews — including interviews with several individuals who were in close contact with Rafiq Hariri in the days before the attack — in the past four months to advance this line of inquiry.

32. The Commission is continuing to gather additional information on all the individuals and vehicles present at or close to the crime scene on the day of the attack. The Commission recently acquired large amounts of additional video footage of Hariri's activities in the days before the attack. This footage, which includes 61 newly obtained clips filmed in the 14 months prior to the attack, is proving useful in identifying several individuals who came into contact with Hariri in the period before the crime and in advancing the Commission's understanding of the timeline of events in the days preceding the crime.

33. The Commission has also acquired new closed-circuit television footage showing several locations around the crime scene and other significant locations covering time periods before and after the attack. This new footage is currently being reviewed, and wherever possible, enhanced and analysed with the assistance of international experts. The review of this footage has been incorporated into the Commission's sizeable holdings of closed-circuit television and other imagery.

2. Individuals involved in the commission of the crime

Ahmed Abu Adass

34. Following the consolidation of the Commission's findings on Ahmed Abu Adass, the individual appearing in the video claim of responsibility for the assassination of Rafiq Hariri, the Commission is satisfied that it has reached a comprehensive understanding of the background, family circumstances, political and religious views and employment history of Ahmed Abu Adass. As indicated in the Commission's previous report and based on its findings to date, the Commission has concluded that Ahmed Abu Adass is not the suicide bomber who carried out the attack on Rafiq Hariri.

35. A number of aspects regarding the role Ahmed Abu Adass played in the crime remain under active investigation by the Commission. Through 16 interviews in the reporting period, forensic analyses and other investigative steps, the Commission has reached a more detailed comprehension of the activities of Ahmed Abu Adass in the years preceding the crime, particularly those activities which brought him into

contact with one or more persons linked to known extremist groups. In particular, progress has been made in establishing the identity of the individual who is believed to have disappeared with Ahmed Abu Adass on 16 January 2005.

36. The Commission is awaiting results from a number of important examinations which are expected to shed more light on the links between Ahmed Abu Adass, his associates and the assassination of Rafiq Hariri.

37. The Commission has also made considerable progress during the reporting period in establishing the sequence of events which led to the broadcast of the video claim of responsibility on the Al-Jazeera television channel. In particular, the Commission has increased its understanding of the sequence and content of a series of calls to the Al-Jazeera bureau in Beirut placed on the day of the attack as well as the subsequent recovery of the videotape by Al-Jazeera staff. On the basis of information regarding the accents and vocabulary used by the individuals who placed the calls to Al-Jazeera, the Commission's preliminary conclusions confirm that at least some of those individuals may not have been native Arabic speakers. This remains under investigation. In addition, the Commission has reviewed and analysed closed-circuit television footage covering the location where the videotape was placed and identified some images which present a particular interest to the investigation.

38. The Commission has processed the 30 fingerprints found on the videotape and associated materials and is currently identifying, by a process of elimination, potential suspects or other persons who may have touched the tape during its recording or delivery. To date, 13 fingerprints have been identified as belonging to members of law enforcement agencies or the media and hence have been excluded from suspicion.

39. The Commission has also traced the videotape used to record the claim of responsibility. The Commission has confirmed that the tape was produced in China. The tape was subsequently distributed by a company based in the Republic of Korea in November 2003 as part of a batch of 27,000 tapes which were exported to Lebanon. The Commission is currently attempting to establish the chain of transactions leading to the sale of the tape to its final user. This will continue to be explored in the next reporting period.

Communications analysis

40. One of the principal investigative tools used by the Commission in the Hariri investigation, as well as in the other cases where it is providing technical assistance to the Lebanese authorities, continues to be the analysis of very large volumes of call records, text messages and other forms of telecommunications data. The Commission has recently devoted additional technical and human resources to this aspect of the investigations. Currently, the Commission is working on a data set in excess of 6.5 billion call records covering various time frames of interest to the investigations.

41. The communications analysis components of the investigations continue to form an essential tool to test and support findings and conclusions developed in other areas of the investigation. The analysis of call records in particular is an essential part of the preparation of witness interviews.

42. The Commission has continued to advance its enquiries into the individuals who appear to have been using a small number of mobile cellular telephone SIM cards to conduct surveillance on Rafiq Hariri in the period leading up to the attack. The Commission has conducted a number of interviews and other investigative activities regarding the sale of the SIM cards and a number of telephone handsets to these individuals. The Commission has focused on one particular area where the SIM cards are thought to have been sold. The Commission is now satisfied with its understanding of the role played by the individuals who sold these SIM cards.

43. Communications surveys of approximately 15 locations of relevance to the Hariri case were conducted during the reporting period. The objective of these surveys is to identify the cellular telephone towers which may have been providing coverage to cellular telephones of particular interest to the investigation at significant locations during specific periods of time. Further surveys are being conducted in order to complete the Commission's inquiries in this regard.

44. The results of the Commission's ongoing communication analysis work have been transferred into an analytical software format, which is the common platform used by most law enforcement organizations. This allows the data and the analysis to be easily searchable and transferable.

3. Motives and persons of interest

45. As described in the Commission's previous report, considerable efforts have been made since the establishment of the Commission to reach a comprehensive understanding of the factors which are likely to have shaped the environment from which the motive to assassinate Rafiq Hariri emerged. Based on the critical review of the Commission's holdings on possible motives, the Commission is satisfied with progress made so far in this area.

46. As detailed in the Commission's consolidation reports, the Commission has largely narrowed down the possible motives for the assassination to those linked to Rafiq Hariri's political activities in the months and years leading up to his death. During the reporting period, the Commission continued to expand its understanding of the relevance of several political events to the possible motives. These events include the adoption of Security Council resolution 1559 (2004) and the possible or perceived role played by Rafiq Hariri in the inception and implementation of that resolution, the extension of President Emile Lahoud's mandate and the proposed reform of the electoral law, as well as Rafiq Hariri's political posture regarding the 2005 parliamentary elections.

47. As indicated previously, the Commission is continuing to evaluate the relevance of attempts made to facilitate a rapprochement between Rafiq Hariri and certain other individuals with whom he may have been at odds in the period preceding his assassination. The Commission is now also satisfied with its inquiries into specific threats, warnings and assurances conveyed to Hariri regarding his safety in the months before the attack.

48. During the reporting period, 27 interviews were conducted and several other investigative steps were taken based on the action plans outlined in the Commission's previous report. The work of the Commission in this area during the reporting period has refined some of its working hypotheses regarding likely motives for the attack. The Commission has also worked to investigate and evaluate

how these possible motives may potentially link the other cases in which the Commission is providing technical assistance with the Hariri assassination.

49. While the Commission is now satisfied with its general understanding of these events and their relevance to possible motives for the crime, certain specific lines of inquiry will continue to be pursued into the next reporting period.

50. In addition, throughout the course of the investigation, the Commission has fulfilled its obligation to adequately examine and consider alternative hypotheses. As stated in the previous report, this includes the possibility that Hariri was targeted by extremist groups for several possible reasons, including the fact that he was widely seen as a leading figure in his community. As it cannot be excluded that the motive to assassinate Hariri may have arisen from a combination of political and sectarian factors, the Commission has continued to examine these issues in order to properly understand and assess the viability of each hypothesis. Given the possibility that a combination of factors may have influenced the motive to assassinate Hariri, the Commission is closely examining the possibility that two or more teams of perpetrators may have taken part in the preparation and commission of the attack.

51. Since the Commission's previous report, special emphasis has been placed on the analysis of the de jure and de facto structures of several organizations which present a particular interest to the investigation due to their role in Lebanon in the period leading up to the assassination. The Commission is continuing to examine the reporting lines, flows of information, means and operational capacities of these organizations during the period of interest to the Commission. This examination has given the Commission valuable insight and perspective into these organizations, which has proved essential to a proper understanding and evaluation of the situation that existed in Lebanon prior to the assassination.

52. In particular, a number of interviews conducted during the reporting period with senior Syrian and Lebanese officials have either confirmed or enhanced the Commission's understanding of the structures of some of these organizations and have led the Commission to further refine its investigative priorities. These interviews have also allowed the Commission to deepen its understanding of the level of cooperation which existed between Syrian and Lebanese security agencies during the period of interest.

53. The Commission has also deepened and broadened its understanding of the possible involvement of a number of persons of interest, including persons who have recently been identified by the Commission, who may have been involved in some aspects of the preparation and commission of the crime or who may have known that a plan to carry out the crime was being prepared. In addition to the progress made in linking various persons of interest to the commission of the crime, the Commission has also established links between some of these persons. This line of inquiry will continue to be a priority in the next reporting period.

B. Technical assistance in other cases

54. As mandated by the Security Council, the Commission has continued to provide technical assistance to the Lebanese authorities in their ongoing

investigations of 18 other cases, including the assassination of Member of Parliament Antoine Ghanem on 19 September 2007.

55. During the reporting period, the Commission focused on the implementation of the workplans developed on the basis of the consolidation of the Commission's information and findings on each of these cases. Of the 100 priority interviews identified in the workplans of the 18 cases, 40 were conducted in the reporting period. The Commission also conducted follow-up visits to the crimes scenes of the targeted attacks and to associated locations in order to complete further crime-scene assessments.

56. Taking into account the fact that the Commission's principal focus remains the Hariri assassination, as well as the limited resources it has to provide assistance to the Lebanese authorities in their investigations of a growing number of other cases, progress during the reporting period has been satisfactory.

57. During the reporting period, the Commission started to assemble crime reference reports for each of the 18 cases, commencing with the nine attacks targeted at Marwan Hamedeh, Samir Kassir, George Hawi, Elias El-Murr, May Chidiac, Gebran Tueni, Pierre Gemayel, Walid Eido and Antoine Ghanem. These reports bring together the most relevant statements, photographs, crime-scene sketches, forensic reports and other crime-related information for each case. While the consolidated reports have successfully focused and directed the investigation by identifying gaps and leads, the crime reference reports will provide a complementary resource which will enable investigators to easily access all relevant case-related material in a single location. These reports will be passed on to the Prosecutor of the Special Tribunal for Lebanon to allow the Prosecutor to evaluate the existence of any links in the light of the jurisdiction of the Tribunal.

58. In the past four months, the Commission has held meetings with each of the investigating judges in charge of the nine targeted attacks and the Prosecutor General to discuss investigative leads, evaluate the status of each investigation and identify areas where the Commission can provide additional technical assistance. The meetings also served to ensure that the steps taken by the Commission and by the Lebanese authorities are coordinated. These discussions have proved productive, and the results are currently being reviewed. Appropriate follow-up action will be taken by the Commission and the Lebanese authorities. Meetings with the investigative judges in the other cases are also being planned during the next reporting period. A large number of additional technical reports were recently handed over to the Lebanese authorities.

1. Areas of technical assistance

59. The Commission provided technical assistance to the Lebanese authorities in a number of areas, including the conduct of forensic examinations, communications analysis and witness interviews on the 18 cases. During the reporting period, the Commission sent 29 requests for assistance to the Lebanese authorities regarding these cases. The Commission has renewed its efforts to ensure that the results of the Commission's inquiries in the 18 cases are communicated promptly and regularly to the Lebanese authorities.

Forensic examinations

60. During the reporting period, the Commission conducted several key forensic examinations related to the 18 cases, some of which have yielded important results.

61. For these 18 cases, 39 forensic investigation projects were initiated, mostly related to crime-scene investigations, explosives analysis, fingerprint research, ballistic examinations, DNA profiling, bloodstain research, digital imaging, seismological analyses and forensic biological examinations. A total of 19 of these projects were completed, and the final results were shared with the Prosecutor General and the investigating judges.

62. The analysis of seismological data recorded by the National Centre for Geophysics in Lebanon allowed the Commission to conduct some useful comparisons on the seismological properties of the blasts in some of the non-targeted bomb attacks. This analysis shows, for example, that the seismic waves recorded after the explosions in Broumana, New Jdeidh and Jounieh show some similarities to the blast in the Hariri case and show different characteristics compared to the explosion in Zalka. These differences confirm some of the Commission's previous conclusions regarding the position and size of the improvised explosive devices used in each of these cases.

63. In the investigation of the assassination of Minister Pierre Gemayel, the Commission conducted several important new examinations during the reporting period. The Commission has conducted an analysis of several DNA profiles found on the crime scene and has isolated the DNA profiles of several unidentified individuals as belonging to potential perpetrators. Acting on a request for assistance from the Lebanese authorities, the Commission conducted extensive forensic examinations on the bodies of two deceased individuals considered as suspects based on witness interviews conducted by the Lebanese authorities. The Commission's expert findings indicate that the DNA profiles of these two deceased individuals do not match the DNA profiles of the unknown individuals identified as possible perpetrators.

64. In connection with the Gemayel investigation, the Commission has conducted detailed investigations on a black Honda CRV vehicle originally seized by the Syrian authorities and then handed over to the Lebanese authorities and which is suspected, according to one witness statement, of having been used by the perpetrators and of having come into contact with the victim's vehicle. International experts working with the Commission conducted extensive forensic examinations linked to this vehicle, including examinations of fingerprints, hair, fibre, glass, plastic and paint as well as analysis of gunshot residues, DNA sampling, detailed examinations of the vehicle's exhaust pipe and ballistic investigations. On the basis of preliminary results, the Commission is not able to draw meaningful conclusions at this stage on this vehicle's connection to the crime.

65. The Commission also obtained more detailed information regarding the different types of weapons used in the attack as well as bullet trajectories and the approximate location where each weapon was used. The Commission and the Lebanese authorities have conducted comparisons with similar weapons seized by the Lebanese authorities in other cases.

66. In the investigation of the Ain Alaq bus bombings of 13 February 2007, the Commission has conducted examinations of 175 exhibits recovered from the crime scene, including DNA samples, explosives samples, ball bearings and transfer traces. Among the 13 DNA samples taken from the crime scene, three particularly relevant genetic profiles have been obtained from four different locations on the buses. The DNA analyses conducted by the Commission in the Ain Alaq case have produced interesting results directly linked to possible perpetrators. The Commission has also reached some additional conclusions about the type and position of the improvised explosive device as well as the exact modus operandi used by the perpetrators. All results of these examinations have been provided and continue to be provided to the Lebanese authorities, which are in the process of prosecuting several suspects.

67. The Commission has obtained further results from examinations conducted on exhibits recovered from the scene where Member of Parliament Walid Eido was killed on 13 June 2007 in central Beirut. The Commission has transmitted to the Lebanese authorities a number of forensic reports containing information related to the explosives used, the vehicle which was allegedly used to carry the improvised explosive devices as well as the victim's vehicle.

Communications analysis

68. The Commission applies the same communications analysis techniques used in the Hariri case to the 18 other cases. During the reporting period, the Commission conducted cell site surveys of the locations where the nine non-targeted attacks occurred, in Kaslik; Sid-El-Bouchria; the Plaza shopping centre in Broummana; at the premises of the "Voice of Charity" radio station in Jounieh; on Monot Street in Ashrafieh; the Zalka area; Naoum Libki Street in Ashrafieh; Ain Alaq in the Metn region; and New Jdeidh. The data obtained from these surveys as well as data related to particularly relevant call records have been incorporated into the Commission's integrated communications analysis tools and are being analysed for each case. In addition to assisting the Commission in understanding the communications activities of potential perpetrators, it also allows for comparisons among the 18 cases and with the Hariri case itself.

2. Identification of linkages

69. In conjunction with the technical assistance provided to the Lebanese authorities in these cases, the Commission has focused on identifying possible links among these cases and between these cases and the Hariri case. The Commission continues to examine commonalities between the profiles of the victims, the modus operandi and the possible motives for these attacks. In order to assist in this endeavour, the Commission has successfully created several analytical tools and projects aimed at highlighting possible links as well as any potential differences between these cases.

70. During the previous reporting period, the Commission initiated a number of investigative projects which are common to both the Hariri investigation and the 18 other cases. These projects include forensic and communications analysis, comparisons of the type of explosive used, examinations of the vehicles used in some of the attacks, inquiries into possible commonalities in the supply and registration of vehicles used in several of the attacks, a comprehensive analysis of

the available data pertaining to the entry into and exit from Lebanon of certain individuals as well as other common analytical projects.

71. As outlined in the Commission's previous report to the Council, the Commission has given specific attention to the investigations into the possible motives for these crimes, in particular regarding the public and political activities of the victims of the targeted attacks, as it is likely that these may have played an important role in shaping the motives for the crimes. In order to advance this line of inquiry, and among other common projects, the Commission has initiated a media analysis project which will examine the public stances, declarations, statements and articles by or about the victims of the targeted attacks. This project, which will also include the Hariri investigation, will be developed in the next reporting period.

72. By evaluating the evidence obtained thus far and utilizing the analytical tools and projects described above, the Commission has been able to focus the ongoing investigations on the most productive lines of inquiry establishing links.

73. Investigative steps taken during the reporting period have confirmed the Commission's hypothesis that operational links may exist among some of the possible perpetrators of these different crimes. These inquiries will be pursued as a priority in the next reporting period, bearing in mind the Commission's approach regarding the management of sensitive information. Additionally, the consolidated reports, supported by the crime reference reports, will be updated to reflect advances made in each of the cases and the identification of potential links.

74. These tools and resources will ultimately assist the transition to the Special Tribunal for Lebanon by providing cogent information to the Office of the Prosecutor of the Tribunal which reflects both the investigative history of the cases as well as the analytical work of the Commission to date.

3. Antoine Ghanem case

75. On 19 September 2007, Member of Parliament Antoine Ghanem was killed along with five other persons when a car bomb exploded close to his vehicle as he was leaving a meeting in the Horsh Tabet area of eastern Beirut. More than 70 people were wounded in the attack. Ghanem, a member of the parliamentary majority, was the sixth Member of Parliament killed in Lebanon since 2005.

76. On 21 September 2007, following a request from Prime Minister Siniora to the Secretary-General, the Commission was mandated to provide technical assistance to the Lebanese authorities in their investigation into this attack. A team of experts from the Commission was immediately dispatched to the crime scene.

77. International forensics experts working with the Commission arrived on 22 September 2007 and worked for 10 consecutive days on the crime scene in coordination with the Lebanese authorities. A total of 108 exhibits were recovered, and most of them were sent for further scientific analysis. Although the investigation into this attack is still at an early stage, the Commission was able to isolate four DNA profiles of interest to the investigation as well as 12 shoe prints taken from locations which could have been used to conduct surveillance. Initial expert findings indicate that the type of explosive used in this attack was RDX. The Commission also determined the exact time of the explosion to be 17:21:12.

78. Two key interviews were conducted in this case, and several others are planned for the next reporting period. The Commission has also put together a profile of the victim and a timeline of the events preceding the attack. The Commission has started to examine possible links with other attacks.

79. Antoine Ghanem had returned to Lebanon from a prolonged trip overseas only three days prior to his assassination, indicating that the perpetrators had quickly established surveillance of his movements. At the time of the attack, Ghanem was leaving a meeting with a friend. The meeting had been scheduled on very short notice and lasted approximately one hour. The preliminary findings of the investigation indicate that, within a very short period of time, the perpetrators were able to conclude their surveillance and mobilize a vehicle-borne improvised explosive device in order to carry out the attack. This is an indication of the advanced operational capabilities of the perpetrators and may suggest that a number of vehicle-borne improvised explosive devices were prepared in advance, possibly in several locations, in order to be mobilized on short notice.

III. External cooperation

A. Interaction with the Lebanese authorities

80. The Commission interacts closely with the Lebanese authorities on matters related to both the Hariri case and the 18 other cases. Regular meetings are held between the Commission and the Prosecutor General and his staff and with the recently appointed investigating judge in charge of the Hariri case. During the reporting period, the Commission also met with all the investigating judges in charge of the investigations into the targeted attacks. These meetings with both the Prosecutor General and the investigating judges have provided an excellent opportunity to ensure cooperation and communication. Moreover, this close coordination will facilitate a smooth transition to the Special Tribunal for Lebanon.

81. During the reporting period, the Commission renewed its efforts to ensure that the Lebanese authorities are kept abreast of the Commission's activities and of the progress made in its investigations. The Commission has had regular meetings with the Lebanese authorities to coordinate activities and review evidence relevant to the investigations. In addition, the Commission has continued to share significant amounts of information with the Lebanese authorities, including witness interviews and forensic reports. The Commission has endeavoured to provide the competent Lebanese authorities with all the information collected by the Commission to enable them to make an independent assessment of the evidence acquired to date and to act in accordance with that assessment.

82. During the reporting period, 98 requests for assistance were sent by the Commission to the Prosecutor General requesting assistance in scheduling interviews, obtaining documents, providing access to exhibits and making arrangements for the Commission's activities in Lebanon. The Lebanese authorities have continued to respond fully to these requests, and the Commission is grateful for this productive cooperation.

83. The Commission also maintains a close working relationship with the Lebanese authorities which provide security to the Commission's staff and facilities.

The Commission is grateful to the Lebanese army and to the Internal Security Forces for their unfailing support.

B. Cooperation with the Syrian Arab Republic

84. In line with the obligations of the Syrian Arab Republic under Security Council resolutions 1636 (2005) and 1644 (2005), and the common understanding reached between the Commission and the Syrian Arab Republic in 2006, the cooperation of the Syrian Arab Republic with the Commission remains generally satisfactory.

85. A total of 11 requests for assistance have been addressed by the Commission to the Syrian Arab Republic in the past four months, bringing the total number of such requests addressed to the Syrian Arab Republic since January 2006 to 68. During the reporting period, the Syrian Arab Republic has provided the Commission with assistance in response to its requests within the appropriate time frames. The Commission also acknowledges the support provided by the Syrian Arab Republic in the organization of the Commission's various investigative activities in that country, including nine missions during this reporting period.

86. The Commission will continue to request the full cooperation of the Syrian Arab Republic in the discharge of its mandate.

C. Cooperation with other States

87. In the previous reporting period, 14 requests for assistances were sent to 11 States in addition to those sent to Lebanon and the Syrian Arab Republic, bringing the total number of requests for assistance addressed to other States since January 2006 to 120. When responses have been provided in full and on time, the Commission has been able to make considerable progress thanks to the assistance provided by these other States.

88. The Commission is grateful for the support, information and expertise it has received from a number of States and international institutions during the reporting period. As noted in the Commission's previous reports to the Council, the Commission will be able to effectively complete its mandate only if it can rely on the cooperation of all States to provide it with the support and information requested.

IV. Transition activities

89. Following the adoption of Security Council resolution 1757 (2007) calling for the establishment of the Special Tribunal for Lebanon, and in line with the report of the Secretary-General submitted pursuant to resolution 1757 (2007), the Commission has devoted resources in the reporting period to planning the handover of its work to the Office of the Prosecutor of the Special Tribunal for Lebanon. The Commission's activities in this regard are geared to ensuring a seamless transition between the two institutions.

A. Preparation of data, documents, files and exhibits

90. The Commission has undertaken several projects related to the management, storage and eventual handover of the substantial amounts of data, documents, exhibits and other information currently held by the Commission.

91. As indicated in the previous report to the Council, the Commission has carried out a thorough inventory of its data and documentary holdings. At the end of the reporting period, the Commission had collected approximately 1,500 gigabytes of data in approximately 850,000 files. In addition, the Commission has about 1,100 gigabytes of data related to its communications analysis work and 960 gigabytes of forensic data, including more than 40,000 pictures relating to the investigations.

92. The majority of the Commission's electronic data holdings are stored, retrieved and analysed using specialized analytical software. The process of importing the data into this software is both resource-intensive and time-consuming, but it is expected that once it is complete, this will be an important resource for the Office of the Prosecutor of the Special Tribunal for Lebanon.

93. The Commission also has large volumes of physical evidence and documents in its possession, as well as corresponding databases, which are being stored in order to facilitate access and transport while ensuring the integrity and chain of custody of this material.

94. As indicated previously, the Commission's consolidated reports comprehensively document the investigative history of each case. In addition, the Commission has started to compile crime reference reports which bring together all of the pertinent information, including witness interviews and photographs, for each case. These reports are designed to assist in the transition by providing the Special Tribunal for Lebanon with a comprehensive, organized, indexed and accessible resource for each case.

95. Procedures to ensure the integrity and ease of transfer of all of the information currently in the custody of the Commission are being put in place, and the Commission expects that such a transfer will be able to take place on relatively short notice. The Commission continues to work with the transition team established within the United Nations Secretariat on these issues.

B. Witness protection issues

96. As the Commission indicated in its previous report to the Council, measures to ensure the safety of possible witnesses who may be called upon to provide testimony to the Special Tribunal for Lebanon must be put in place in order to guarantee that potential witnesses can cooperate with the Tribunal without fear of retribution. In coordination with the transition team, the Commission has designed a draft witness-protection strategy which suggests some of the first steps to be taken towards the creation of a comprehensive witness-protection programme adapted to the specific circumstances of the transition to the Special Tribunal for Lebanon. This draft strategy will need to be refined and several additional steps taken before the programme can be implemented. The Commission stands ready to work with the transition team in order to ensure that this important aspect of the transition is in place at the appropriate time.

C. Administrative issues

97. The Commission has also started to prepare for the eventual completion of its mandate and the drawdown of its activities in Lebanon by updating its inventories and plans for the liquidation of its assets, in accordance with the appropriate United Nations regulations.

98. The Commission notes that the success of the transition from the Commission to the Special Tribunal for Lebanon will depend not only on an efficient handover of the Commission's findings and evidence but also on the institutional memory of the Commission. It is the view of the Commission that the Office of the Prosecutor of the Special Tribunal for Lebanon will be able to start working immediately and effectively if it can rely on the experience gained by the Commission's staff since 2005. The Commission is currently working with the transition team and the relevant United Nations departments to establish adequate bridging mechanisms between the two institutions.

V. Security

99. The reporting period was characterized by a high degree of tension and uncertainty about the political future of Lebanon. The most significant security incident since the Commission's previous report to the Council was the assassination of Member of Parliament Antoine Ghanem and five others on 19 September 2007.

100. On 2 September, the prolonged battle between the Lebanese Armed Forces and the Fatah al-Islam group in the Nahr al-Bared refugee camp near the northern city of Tripoli ended after several months of intense combat. More than 160 Lebanese army soldiers and over 220 Fatah al-Islam fighters were killed in combat. The fighting left the camp's infrastructure badly damaged and caused hundreds of families to be displaced. The situation in the Palestinian camps throughout Lebanon remains tense, with sporadic fighting between various Palestinian factions.

101. At the time of finalizing this report, despite weeks of protracted negotiations between the parliamentary majority and the opposition, Lebanon's parliament had not elected a new president to replace President Emile Lahoud, whose term expired on 23 November. Although the security situation remained calm in the immediate aftermath of the expiration of President Lahoud's mandate, the level of tension in Lebanon has risen considerably as a result of this situation, and the prospect of a rapid deterioration cannot be excluded.

102. Given the general political and security environment in Lebanon as well as certain other specific indirect threat warnings received by the Commission during this reporting period, the Commission, working in conjunction with the Lebanese authorities as well as other United Nations agencies in Lebanon, has conducted a thorough review of its security risk assessment, adopted additional security measures and increased the level of caution with which it conducts all of its activities.

103. Even with these additional precautions in place, this tense security environment continues to have a negative impact on the ability of the Commission to carry out its mandate.

VI. Organizational support

104. During the reporting period, the Commission faced some difficulties regarding staff retention owing to a degree of uncertainty regarding the future prospects of staff currently employed by the Commission given the expected transition to the Special Tribunal for Lebanon. Of the approved 188 international posts, 141 are filled, compared with 125 at the end of the previous reporting period. Of the 51 approved national posts in the Commission, 47 have been filled. The investigation division currently consists of 47 international staff, including 30 investigators, analysts and technical experts. The Commission expects that, given the short period of time remaining in its mandate and the expected transition, it may face some difficulties in retaining and recruiting staff in the next reporting period.

105. As highlighted in previous reports, the Commission also continues to face difficulties in attracting and retaining enough qualified language staff to interpret, translate and revise statements and documents into and from Arabic. At the end of the reporting period, 21 international language staff members were working for the Commission, seven on a part-time basis. Although some measures have been taken to remedy this situation, the Commission notes that this has been and remains an area of concern.

VII. Conclusions

106. As a growing number of investigative projects are concluded and as the investigations narrow, the Commission has taken an increasingly cautious approach to the management of information linked to the investigation. The Commission has implemented a number of measures in this direction and has sought to avoid jeopardizing the integrity of the investigation and the legal process as well as the safety of individuals by enforcing appropriate information-management procedures. As a result, the Commission is of the opinion that only limited information can be placed in the public domain regarding its ongoing investigations.

107. Since its previous report to the Council, the main focus of the Commission has been the implementation of the detailed action plans drawn up at the end of the previous reporting period. Thanks to the progress made in the past four months, the Commission is increasingly able to draw preliminary conclusions on an important number of aspects of the investigation of the assassination of Rafiq Hariri, including issues related to the crime-scene examinations, the type of improvised explosive device used, the Mitsubishi Canter van used in the attack and the individuals involved in the surveillance of Rafiq Hariri. The Commission has also advanced its understanding of the profile and involvement of Ahmed Abu Adass, the identity of the alleged suicide bomber and its grasp of the possible motives for the assassination of Rafiq Hariri. These steps have allowed the Commission to identify additional persons of interest to the investigation.

108. The Commission will devote the next reporting period to those areas of the investigation where a number of important questions remain unanswered. In particular, on the basis of its understanding in several areas of the investigation, including of the factors which may have shaped the motive to carry out the attack, the Commission will concentrate its efforts on continuing to establish additional links between crime-scene evidence, possible motives and persons of interest who

may have been involved in some aspects of the preparation and commission of the crime. Several promising avenues emerged in the previous reporting period and will be pursued as a priority.

109. The Commission has also continued to support the Lebanese authorities in their investigations in 18 cases of targeted assassinations and bombings in Lebanon since October 2004, including the assassination of Member of Parliament Antoine Ghanem on 19 September 2007. Despite the growing number of cases and limited investigative resources, the Commission has been able to provide the Lebanese judicial authorities with assistance, particularly in the area of forensic examinations and witness interviews. In line with the jurisdiction of the Special Tribunal for Lebanon, particular emphasis has been placed on identifying possible links and commonalities between the Hariri case and the other cases under investigation. Several results obtained during the reporting period have confirmed the Commission's hypothesis that operational links may exist between some of the possible perpetrators of these crimes. Confirming these links and establishing new links will also be a priority for the Commission in the next reporting period.

110. The Commission notes that evidence uncovered in the Hariri case and some of the other attacks, including the recent assassination of Antoine Ghanem confirms the fact that the perpetrators or groups of perpetrators had and still have advanced and extensive operational capacities available in Beirut and built on very specific expertise, equipment and resources.

111. During the past four months, the Commission has continued to enjoy a close and collegial working relationship with the Lebanese authorities, including the Prosecutor General and his staff and the investigative judges assigned to the different cases. The pace of the investigation has increased again during the reporting period, as highlighted by the number of interviews conducted and requests for assistance made, to which the Lebanese authorities have continued to respond fully.

112. The Commission also notes that the Syrian Arab Republic and other States have continued to provide responses to the Commission's requests for assistance. The Commission acknowledges these responses and reiterates its call on all States to provide the required information and support to the Commission in a timely manner.

113. Given the acute and ongoing political tension in Lebanon, as well as certain specific threats the Commission faces due to the nature of its mandate, the Commission is particularly grateful to the Lebanese Armed Forces for the protection they afford to the Commission's staff and premises. That support is essential to the Commission's ability to carry out its mandate effectively.

114. The Commission is actively preparing to hand over the results of its investigation to the Prosecutor of the Special Tribunal for Lebanon when the Tribunal starts functioning. The data, documents, files and exhibits held by the Commission are being inventoried, archived and packaged in a way which will facilitate handover and transport on short notice. The Commission is also working in cooperation with the team established to oversee the transition on a number of issues which will need to be addressed to ensure that the transition between the two institutions is successful.

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Letter dated 26 November 2007 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

I have the pleasure of transmitting the statement of His Majesty King Hamad bin Issa Al-Khalifa, King of the Kingdom of Bahrain, on the occasion of the International Day of Solidarity with the Palestinian People (see annex).

I would appreciate it if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 18, and of the Security Council.

(*Signed*) Tawfeeq Ahmed **Almansoor**
Ambassador
Permanent Representative

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Annex to the letter dated 26 November 2007 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

[Original: Arabic]

Letter from His Majesty King Hamad bin Issa Al-Khalifa, King of the Kingdom of Bahrain, on the occasion of the International Day of Solidarity with the Palestinian People (29 November 2007)

The convening of the sixty-second session of the General Assembly this year coincides with the fortieth anniversary of the Israeli occupation of Palestinian and other Arab territories in 1967. Neither we nor the international community are in need of any further speeches describing the results of the ongoing occupation and the humanitarian, economic and social misfortunes and disasters having occurred over these four decades, the effects of which continue to bring suffering on the Palestinian people to this day.

The reports of United Nations bodies and agencies have documented the various aspects, dimensions and repercussions of the policy and practices of the Israelis in their occupation of the West Bank and the Gaza Strip, including demolition, displacement, isolation, blockade and economic strangulation, which by any international legal and humanitarian standards constitute flagrant violations of the Fourth Geneva Convention and of the rights of the Palestinian people in the occupied Palestinian territories.

The continuing Israeli occupation throughout these four decades has come to be a permanent source of instability and violence, not only in the occupied territories but also throughout the Middle East, heightening tension and directly affecting the future of regional peace, security and stability.

The international community is certainly now aware that the achievement of stability and security in the countries and regions surrounding the occupied Palestinian territories is closely linked to finding a just solution to this historical conflict by peaceful means, in accordance with international legitimacy.

Despite the intensive multi-track dialogues witnessed this year by the Arab region, by the parties directly concerned with the dispute and by the international community through the efforts of the Quartet, we cannot but note with deep regret that the situation in the occupied Palestinian territories in the West Bank and Gaza Strip, particularly in recent months, has undergone still further deterioration, which bodes ill for the cautious hope and new-found confidence surrounding the possibilities for arranging a meeting on peace in the Middle East shortly before the end of this year.

We welcome all the ongoing earnest Arab endeavours to establish peace and revive efforts designed to achieve that objective by returning to the Palestinian people all of the West Bank and Gaza territories occupied since 1967. In the same context, we commend the results of the international peace conference convoked by American President George Bush and hope that the ensuing phase will be a turning point in dealing in earnest with the essential issues and pending questions on the tracks of the peace process.

We wish to emphasize the importance of continuing the peace process and following up on the outcome of the conference with a view to arriving at a peaceful, just, lasting and equitable settlement to end the Israeli occupation of the Palestinian and Arab territories occupied since 1967, as well as to the establishment of an independent and viable Palestinian State, with Jerusalem as its capital. All States in the region, including Israel, may then live together in security and peace, on the basis of the relevant terms of reference and international instruments, in particular United Nations resolutions, the Arab Peace Initiative and the road map, in accordance with the principles of international legitimacy and the will of the international community.

Let us therefore work sincerely and with all of our might to achieve this humanitarian goal with a view to establishing the principles of justice, promoting truth and victory for legitimacy and law, and implementing the will of the international community.